EPC COMMISSION MINUTES & AGENDA

MONTH September

YEAR 1988

APM-1-1-1
Sept. 1988

Minutes of the Environmental Protection Commission Meeting

September 19-20 1988

Des Moines, Iowa

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SEPTEMBER COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building in Des Moines, Iowa, convening at 1:00 P.M. on September 19-20 1988.

MEMBERS PRESENT

Gary Priebe, Nancylee Siebenmann, Donna Hammitt, Richard Timmerman, Robert Schlutz (September 19), Charlotte Mohr, Catherine Dunn, and Clark Yeager.

MEMBERS ABSENT

Robert Schlutz (September 20)

ADOPTION OF AGENDA

The following items were added to the agenda:

(a) Approval of Minutes of September 9, 1988 Electronic Meeting

(b) Appointments: Ted Yanacek, Tuesday, September 20 at 9:30 a.m.; Merle Kuppinger, Tuesday, September 20 at 10:15 a.m.

(c) Groundwater Standards Status Report

Motion was made by Charlotte Mohr. to approve the agenda as amended. Seconded by Catherine Dunn. Motion carried unanimously.

ADOPTION OF MINUTES

Director Wilson explained that pages E88-63, 64, and 65 were revised and distributed for approval as part of the August minutes, as the previously distributed minutes had not been fully reviewed by the attorneys.

Motion was made by Catherine Dunn. to approve the minutes of August 15-16, 1988 and September 9, 1988 as presented. Seconded by Donna Hammitt.

Nancylee Siebenmann requested the following correction be made to the August minutes: page 37, third paragraph from bottom of page, insert "analysis of the" before the words - black ash from Meredith;

Catherine Dunn amended her motion to approve the minutes of August 15-16, 1988 as amended, and approve the minutes of September 9, 1988 as presented. Donna Hammitt concurred with the amendment. Motion carried unanimously.

DIRECTOR'S REPORT

Director Wilson reported that the Governor recently invited all the department heads to participate in a planning for the future type of activity. Each department head was asked to prepare a mission statement for their agency. He stated that they were also asked to list several of the most critical issues they felt would face the department in the next three to five years. Mr. Wilson related that he met with the deputy director and division administrators to identify these issues. He distributed a copy of the document containing the department's mission statement along with the critical issues analysis and documentation for their choice of issues.

Director Wilson explained the cluster type of approach to management created by the Governor.

MANCHESTER REGIONAL OFFICE LEASE

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Environmental Protection Commission is requested to approve a lease for Regional Office #1 located in Manchester, Iowa.

The current lease will expire February 28, 1989. The staff wishes to exercise the 90 day cancellation clause upon the approval of the proposed new lease. The current facility is too small, and parking is inconvenient for both the public and the staff.

The proposed new office is also in Manchester. The proposed lease involves the lease, for five years, of 3,600 sq. ft. at a

cost of $4.60 per sq. ft. This includes taxes, special assessments, and snow removal. It does not include utilities. This also includes a 38' by 81' covered parking area for state vehicles and a 25' by 60' area for public parking. After December, 1990, the lease rate would be adjusted, each year, by the annual percentage increase in the Consumer Price Index. The lessor will remodel to our specifications. This includes dividing the area with an insulated wall so that it is not necessary to heat a 1,200 sq. ft. storage portion of the space, bathroom remodeling, painting, and cleaning.

The current building space is 1,000 sq. ft. and is being leased at a cost of $5.34 including utilities. Twelve locations were inspected, but the property offered by Hutchison, Inc., is the only facility that will reasonably meet DNR's needs. Slide pictures of the proposed facility will be shown at the meeting. The staff is recommending approval of the lease with Hutchison, Inc., as described above.

Mr. Kuhn presented a slide show of the proposed office space showing the interior as well as exterior of the building, including the parking lot.

Discussion followed regarding the possible availability of former state liquor stores; extending the current lease; size of the proposed space and what is actually needed; and the possibility of purchasing a building.

Director Wilson stated that after re-organization, the possibility of co-location with other DNR field offices or other state agencies was discussed. He stated that it was decided that this would not take place in the near future, and the department would rather not make any purchases until it is decided if co-location will eventually occur.

The Commission requested that staff contact the leasor and attempt to re-negotiate for the needed 2,000 square feet, rather than the proposed 3,600 square feet.

AIR TOXICS PHASE II INVENTORY CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Department has solicited bids for phase II of an air toxics emissions inventory. Phase I consisted of an initial statewide effort to identify both traditional and non-traditional sources of air toxics. Phase I noted that concentrations of air toxic sources in Iowa are rather limited except for Des Moines, Cedar Rapids and several cities along the Mississippi River.

Phase II involves comprehensive emission inventory of twenty-two sources in Polk County and twenty outside of Polk County. Estimates of the emissions of air toxics from each source will be compiled and verified by the contractor. A comparison of the sources will be made for total carcinogenic potential and potential for non-carcinogenic effects.

The estimated federal funds available for this contract are $35,000.

Eleven valid bids were received.

The Department is recommending that the contract be awarded to the lowest bidder, Stanley Consultants, Inc., Muscatine, Iowa. Their bid for completion of the inventories for all 42 sources with on-site inspections of each source was $18,700.

Motion was made by Catherine Dunn to approve a contract with Stanley Consultants, Inc. to complete the Air Toxics Phase II Inventory, at a cost of $18,700. Seconded by Charlotte Mohr. Motion carried unanimously.

FY89 BUDGET AND FY90 BUDGET REQUEST

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

At the last EPC meeting, commissioners requested a more detailed review of the EPD's budget and budget request. Attached are several schedules detailing FY87 and FY88 actual expenditures, and the proposed FY89 budget. This information is presented at the total division level and for each bureau within the division.

The FY89 budget shows a major increase in staffing and other budget categories. This is due primarily to implementation of portions of the Groundwater program and increased effort relating to hazardous waste sites and underground storage tanks.

AIR QUALITY AND SOLID WASTE PROTECTION BUREAU.

The budget for the Air Quality and Solid Waste Protection Bureau shows major increases, for FY89, in staffing, professional

services, and equipment. The professional services category shows $246,010 for continuing the current level of service from the UHL. Additionally, this category includes $672,000 for anticipated UST and Superfund cleanup work. Approximately 54% of this Bureau's budget is funded with federal UST and Superfund monies; 14% with Groundwater revenues; 23% with federal air quality funds; and 9% with State General funds.

The FY89 equipment category includes approximately $50,000 for air monitoring equipment, $93,000 for UST related personal computers, $110,000 for various monitoring equipment items, a new and additional vehicle (cargo van), and miscellaneous tools. The major increase in the utility budget reflects shifting air monitoring network costs (telephone) from the UHL contract to the DNR budget. This was done to avoid U. of I. overhead charges.

SURFACE AND GROUNDWATER PROTECTION BUREAU

This Bureau is funded with approximately 75% federal funds, and 25% State General funds and Groundwater revenues. The equipment budget includes $63,000 for personal computers and terminals. The Professional Services category includes $55,000 for compliance checking, $27,000 for toxics monitoring, $13,250 for a B.M.T. (Best Management Technology) contract with I.S.U. and $63,550 for the UHL contract.

FIELD EVALUATION AND EMERGENCY RESPONSE BUREAU

The Emergency Response Section and general bureau expenses are funded through the State General fund, or about 23% of the Bureau's budget. The remainder of the budget is funded with various federal and groundwater revenues.

The Professional Services category includes $198,560 to support the general UHL contract. This is not an increase. Rather, the budget for this was moved from the Surface & Groundwater Protection Bureau to this Bureau. The equipment budget includes $23,000 for computers and approximately $54,000 for the purchase of six additional vehicles for the field offices. The additional vehicles are needed to compensate for the additional staff being assigned to regional offices as part of the Groundwater and Underground Storage Tank programs.

DIVISION MANAGEMENT

This budget unit includes salary and support for the Division Administrator and miscellaneous items for division support. The Actual FY88 expenditures reflect the payment of the Low-Level Radio Active dues for FY88 from the State General fund. A separate appropriation of $78,000 was received for this purpose in FY89.

FY90 DIVISION REQUEST

With the following exceptions as noted, the staff proposes to continue the FY89 staffing and support level in FY90. In addition to the current level of operations, the DNR will propose decision packages to (1) compensate for a probable increase in the UHL general contract, and (2) add three staff and support to the Floodplains section relating to faster permit processing and flood plain mapping.

RELATED DIVISION BUDGETS

Also included, as schedules A-10 and A-11, are the division expenditure history and FY89 budgets for the Administrative Services Division and the Coordination and Information Division. Generally, the FY90 staff budget recommendation will continue operations at the current level. No significant increases are expected.

At the October meeting, a final staff proposal will be presented to the EPC for approval. This will include division level revenue and expenditure schedules, capital schedules, special program schedules, and division and department level priorities in rank order.

EPD-1

ENVIRONMENTAL PROTECTION DIVISION TOTAL

EXPENDITURE HISTORY AND BUDGET

	ACTUAL FY 87	ACTUAL FY 88	BUDGET FY 89
(FTE POS.)	(110.95)	(109.86)	(146.50)
Personal Services	$3,817,965	$4,055,423	$5,310,404
Travel-All	106,716	0	0
Personal Travel	0	69,987	135,753
State Vehicles	0	23,166	31,000
Depreciation	0	35,070	38,082
Office Supplies	19,328	21,441	26,800
Facilities Maint. Supplies	572	4,037	1,000
Equipment Maintenance	6,748	5,464	3,000
Professional Supplies	19	64	5,000
Conservation Supplies	665	2,093	1,000
Other Supplies	4,660	11,582	6,910
Printing and Binding	8,412	8,269	13,516
Uniforms	622	995	2,500
Communications	26,517	29,844	30,000
Rentals	38,458	34,953	45,150
Utilities	6,525	6,705	32,500
Professional Services	650,273	573,983	1,300,970
Outside Services	8,701	89,652	56,593
Advertising Publicity	1,288	1,611	1,375
Data Processing	123,473	113,582	138,582
Reimbursement	6,505	8,832	10,459
Equipment	181,239	144,473	447,852
Office Equipment	732	79	0
Licenses	396	260	285
Total	$5,009,814	$5,241,565	$7,638,731

E88Sep-1

EPD-2

AIR QUALITY AND SOLID WASTE PROTECTION BUREAU

EXPENDITURE HISTORY AND BUDGET

	ACTUAL FY 87	ACTUAL FY 88	BUDGET FY 89
(FTE POS.)	(18.08)	(20.47)	(37.00)
Personal Services	$624,755	$760,251	$1,305,598
Travel-All	11,487	0	0
Personal Travel	0	13,707	50,000
Office Supplies	1,202	2,046	5,350
Equipment Maintenance	0	718	1,000
Conservation Supplies	0	2,093	1,000
Other Supplies	1,180	3,600	3,260
Printing and Binding	2,308	2,061	3,466
Uniforms	98	277	500
Communications	35	0	0
Utilities	1,086	1,659	26,000
Professional Services	316,666	216,926	951,690
Outside Services	680	17,293	19,510
Advertising Publicity	198	428	225
Data Processing	20,693	33,545	33,432
Reimbursement	897	1,397	1,500
Equipment	96,474	89,984	273,022
Office Equipment	8	0	0
Total	$1,077,767	$1,145,985	$2,675,553

E88Sep-8

EPD-3

SURFACE AND GROUNDWATER PROTECTION BUREAU

EXPENDITURE HISTORY AND BUDGET

	ACTUAL FY 87	ACTUAL FY 88	BUDGET FY 89
(FTE POS.)	(49.11)	(45.71)	(55.50)
Personal Services	$1,703,536	$1,699,935	$2,099,466
Travel-All	20,790	0	0
Personal Travel	0	26,342	38,850
Office Supplies	6,512	7,304	9,050
Facilities Maintenance	0	210	0
Equipment Maintenance	87	0	0
Other Supplies	803	1,082	1,550
Printing and Binding	5,229	5,387	9,000
Uniforms	0	83	0
Rentals	165	108	0
Professional Services	313,985	350,807	149,720
Outside Services	5,058	5,093	31,408
Advertising Publicity	1,090	1,183	1,150
Data Processing	53,163	45,265	65,100
Reimbursement	2,902	2,372	6,459
Equipment	82,680	52,854	98,230
Office Equipment	118	0	0
Licenses	395	260	285
Total	$2,196,513	$2,198,285	$2,510,418

E88Sep-9

EPD-4

FIELD EVALUATION AND EMERGENCY RESPONSE BUREAU

EXPENDITURE HISTORY AND BUDGET

	ACTUAL FY 87	ACTUAL FY 88	BUDGET FY 89
(FTE POS.)	(42.76)	(42.68	(53.00)
Personal Services	$1,436,542	$1,535,199	$1,841,913
Travel-All	68,732	0	0
Personal Travel	0	28,667	44,903
State Vehicles	0	23,166	31,000
Depreciation	0	35,070	38,082
Office Supplies	11,445	12,091	12,200
Facility Maint Supplies	572	3,827	1,000
Equipment Maintenance	6,661	4,746	2,000
Professional Supplies	19	64	3,000
Conservation Supplies	665	0	0
Other Supplies	2,582	6,048	4,000
Printing and Binding	507	287	650
Uniforms	524	635	2,000
Communications	26,482	29,844	30,000
Rentals	38,293	34,845	45,000
Utilities	5,439	5,046	6,500
Professional Services	19,622	6,250	199,560
Outside Services	2,898	6,652	5,575
Data Processing	48,715	34,156	39,050
Reimbursement	2,535	5,063	2,500
Equipment	2,085	1,429	76,500
Office Equipment	527	0	0
Licenses	1	0	0
Total	$1,674,846	$1,773,085	$2,385,433

E88Sep-10

EPD-5

ENVIRONMENTAL PROTECTION DIVISION MANAGEMENT

EXPENDITURE HISTORY AND BUDGET

	ACTUAL FY 87	ACTUAL FY 88	BUDGET FY 89
(FTE POS.)	(1.00)	(1.00)	(1.00)
Personal Services	$ 53,132	$ 60,038	$ 63,427
Travel-All	5,707	0	0
Personal Travel	0	1,271	2,000
Office Supplies	169	0	200
Other Supplies	95	852	100
Printing and Binding	368	534	400
Outside Services	65	60,614	100
Data Processing	902	616	1,000
Reimbursement	171	0	0
Equipment	0	206	100
Office Equipment	79	79	0
Total	$ 60,688	$124,210	$ 67,327

E88Sep-11

A-10

	A	B	C	D
386	EXPENDITURE REPORT			
387	ADMINISTRATION DIVISION	FY87 ACTUAL	FY88 ACTUAL	FY89 BUDGET
388				
389	---	---	---	---
390	FTE			
391	(FULL TIME EQUIVALENT POSITIONS)	110.07	114.43	127.15
392				
393				
394	PERSONNEL SERVICES	2837759	3148385	3613148
395	TRAVEL & SUB	95761	0	0
396	PERSONAL TRAVEL	0	56907	56200
397	STATE VEHICLE OPERATION	0	45839	52431
398	STATE VEHICLE DEPRECIATION	0	55790	60772
399	OFFICE SUPPLIES	272236	275467	248250
400	FACILITY MAINT SUPPLIES	980	1302	5500
401	EQUIPMENT MAINTENANCE SUPPLIES	74486	58502	57850
402	OTHER SUPPLIES	16763	10652	9500
403	PRINTING & BINDING	21711	20149	16950
404	UNIFORMS	2642	3906	3800
405	COMMUNICATION	170828	166655	205500
406	RENTALS	2935	748	31500
407	OUTSIDE SERVICES	22639	36283	30650
408	ADVERTISING & PUBLICITY	259	408	1400
409	DATA PROCESSING	163790	110903	133100
410	AUDITORS REIMBURSEMENT	20088	50522	70000
411	REIMBURSEMENT TO OTHER AGENCIES	10673	10297	10000
412	EQUIPMENT	8607	33721	106500
413	OTHER EXPENSE	135	75	100
414	LICENSES	120	42	200
415	---	---	---	---
416	TOTAL	3801412	4086543	4813411
417	---	---	---	---
479	BUREAU EXPENDITURE REPORT			
480	ADMINISTRATIVE SERVICES DIVISION	FY87 ACTUAL	FY88 ACTUAL	FY89 BUDGET
481				
482	---	---	---	---
483	BUDGET & GRANTS BUREAU	284740	286306	328531
484	FINANCE BUREAU	420843	477207	564374
485	ADMINISTRATIVE SUPPORT BUREAU	1370479	1462364	1789391
486	DATA PROCESSING BUREAU	569682	562593	718296
487	LICENSING BUREAU	146742	152812	200303
488	CONSTRUCTION SERVICES BUREAU	706978	802086	830140
489	LAND ACQUISITION BUREAU	235412	269955	309725
490	DIVISION MANAGEMENT	66536	73220	72651
491	---	---	---	---
492	TOTAL	3801412	4086543	4813411
493	---	---	---	---

A-11

A	B	C	D
EXPENDITURE REPORT			
COORDINATION & INFO DIVISION	FY87 ACTUAL	FY88 ACTUAL	FY89 BUDGET
FTE (FULL TIME EQUIVALENT POSITIONS)	38.84	37.22	43.45
PERSONNEL SERVICES	1228912	1227261	1491515
TRAVEL & SUB	49963	0	0
PERSONAL TRAVEL	0	27718	41500
STATE VEHICLE OPERATION	0	7345	6300
STATE VEHICLE DEPRECIATION	0	7935	8472
OFFICE SUPPLIES	67399	71876	75160
FACILITY MAINT SUPPLIES	22771	17593	20500
EQUIPMENT MAINTENANCE SUPPLIES	10816	13059	10000
PROFESSIONAL & SCIENTIFIC SUPPLIES	63	0	0
AGRICULTURAL CONSERVATION SUPPLIES	2178	621	500
OTHER SUPPLIES	28686	39549	26800
PRINTING & BINDING	246217	282494	304100
UNIFORMS	1839	2453	2250
COMMUNICATION	5461	8717	7030
RENTALS	1819	1567	1850
UTILITIES	25798	24998	27550
PROFESSIONAL & SCIENTIFIC SERVICES	7989	7985	113000
OUTSIDE SERVICES	36844	45701	75000
ADVERTISING & PUBLICITY	0	2338	0
DATA PROCESSING	10791	5652	24950
REIMBURSEMENT TO OTHER AGENCIES	12157	4844	435
EQUIPMENT	3519	16933	67600
LICENSES	30	55	0
TOTAL	1763252	1816694	2304912

BUREAU EXPENDITURE REPORT			
COORDINATION & INFORMATION DIV	FY87 ACTUAL	FY88 ACTUAL	FY89 BUDGET
GOVERNMENTAL LIASON BUREAU	416053	380528	468737
INFORMATION & EDUCATION BUREAU	970287	1113306	1322434
PLANNING BUREAU	320941	259518	451552
DIVISION MANAGEMENT	55971	63342	62189
TOTAL	1763252	1816694	2304912

Mr. Kuhn explained that the increase in the overall budget is due to increased staffing and professional services as a result of the groundwater bill. He added that equipment purchases were also increased.

A discussion took place regarding various details of the budget.

This was an informational item; no action was required.

GROUNDWATER PROGRAM FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

At the last EPC meeting, commissioners indicated a desire to review the financial status of the groundwater program. Attached is schedule S-1 which shows the FY87 carryforward, the FY88 receipts, the FY88 expenditures, the carryforward to FY89, the estimated FY89 receipts, and the total available.

The schedule is arranged in Groundwater account order with the individual appropriations shown within each Groundwater account. The report is presented on a "cash" basis. Funds that have been obligated in FY88, but not expended, are part of the carryforward to FY89.

Also attached is a memo (S-2) prepared by Lisa J. Smith summarizing the various Groundwater activities to August 10, 1988, from the beginning of the program.

A	B	C	D	E	F	G	H	I	J
GROUND WATER FUND		87 CARRY FORWARD	88 RECEIPTS	EXPENDED IN 88	88 CARRY FORWARD	89 RECEIPTS	TOTAL AVAILABLE	UNBUDGETED BALANCE	
116.	STORAGE TNK PG ADM	0	233434	34940	198494	231000	429494	72393	
117.	REMEDIAL CLEAN UP ACTIVITIES	0	74043	0	74043	98000	172043	0	
118.	DEPT OF HEALTH	0	1000	0	1000	1000	2000	0	
119.	COMMERCE INS DIV	0	25000	25000	0	0	0	0	
	TOTAL STORAGE TNK	0	333477	59940	273537	330000	603537	72393	
	TOTAL RECEIPTS STORAGE TANK	142902	190575			330000	663477		
120.	BIG SPRINGS STUDY 3	0	700000	354816	345184	700000	1045184	0	
121.	DNR GENERAL GW	0	860000	66970	793030	650000	1443030	500848	
122.	LANDFILL ALTERNATIVES	0	760000	34963	725037	850000	1575037	0	
123.	SOLID WASTE	0	100000	20815	79185	100000	179185	0	
124.	RURAL WELL ASSESSMENT	0	560000	242584	317416	0	317416	0	
125.	ABANDONED WELL EDUC AG	0	100000	0	100000	100000	200000	0	
126.	AG ENERGY MGT AG	0	1530000	516868	1013132	1500000	2513132	0	
127.	IWSWRRI REGENTS	0	120000	0	120000	100000	220000	0	
128.	LEOPOLD CENTER REGENTS	0	800000	0	800000	0	800000	0	
	TOTAL OIL OVERCHARGE	0	5530000	1237016	4292984	4000000	8292984	500848	
129.	RECYCLING PROJECTS	0	80000	0	80000	0	80000	0	
130.	TOXIC CLEANUP	0	82226	0	82226	77975	160201	0	
131.	HOUSEHOLD HAZ WASTE ADM	0	88974	88974	0	182030	182030	0	
132.	HHWA DEPT HEALTH	0	2000	0	2000	2000	4000	0	
133.	USED MOTOR OIL DOT	0	8000	8000	0	0	0	0	
	TOTAL HHM	0	261200	96974	164226	262005	426231	0	
	TOTAL RECEIPTS HHM	0	261200			262005	523205		
134.	DEPT PUBLIC HEALTH	0	9000	0	9000	9000	18000	0	
135.	HEALTH CENTER	0	79000	79000	0	179190	179190	0	
136.	LEOPOLD CENTER	0	430855	430932	-77	696850	696773	0	
137.	UHL REGENTS	0	73861	0	73861	119460	193321	0	
138.	COUNTY GRANTS DNR ADM	0	24620	122	24498	39820	64318	39989	
139.	COUNTY GRANTS 23% WS	0	283133	0	283133	457930	741063	0	
140.	COUNTY GRANTS 12% WLS	0	147722	0	147722	238920	386642	0	
141.	COUNTY CONS BOARDS	0	50000	0	50000	0	50000	0	
142.	AG DRAINAGE WELL/SINKHOLES	0	310032	310060	-28	258830	258802	0	
	UNUSEABLE CARRYOVER (CHEEC 88	0	31791	0	31791	0	31791	31790	
	TOTAL AG MGT ACCT	0	1440013	820114	619899	2000000	2619899	71779	
	TOTAL RECEIPTS AG MGT ACCT	0	1440013			2000000	3440013		
143.	SOLID WASTE DNR	265198	0	155934	109264	558872	668136	433921	
144.	SOLID WASTE LANDFILL CLEANUP	0	0	0	0	113374	113374	0	
145.	WASTE MGT AUTHORITY DNR	99526	141718	100294	140960	136049	277009	119982	
146.	DEPT OF HEALTH	0	0	0	0	8000	8000	0	
147.	SMALL BUISINESS CENTER	50000	0	50000	0	317448	317448	0	
148.	LANDFILL ALTERNATIVES	0	0	0	0	1133744	1133744	0	
149.	SANITARY DISPOSAL GRANTS	0	283436	0	283436	0	283436	0	
150.	PUBLIC WATER SUPPLY GRANTS	0	141718	0	141718	0	141718	0	
	TOTAL SOLID WASTE	414734	566872	306228	675378	2267488	2942866	553903	
	TOTAL RECEIPTS SOLID WASTE	414734	566872			2267488	3249094		
TOTAL GROUND WATER FUND		414734	8131562	2520272	6026024	8859493	14885517	1179923	
TOTAL GROUNDWATER RECEIPTS		557636	7988660			8859493	16168773	500848	

Mr. Kuhn stated that a more comprehensive statement will be developed for submittal to the legislature. He related that the most significant changes from the status report given last fall are as follows: 1) receipts into the Agricultural Management Account have been scaled back from original expectations; and 2) legislation which cleaned up the cash flow situation relative to landfill fees remitted back to the department; as a result, the groundwater program picked up more grant programs than were planned.

James Combs gave a detailed explanation of the report.

Chairman Schlutz noted that on page 7 - (c), in relation to the SBAC, another Commissioner would need to be appointed as an ex-officio member to this board. Gary Priebe was then appointed to this position.

This was an informational item; no action was required.

NOTICE OF INTENDED ACTION TO AMEND CHAPTER 209 SOLID WASTE GRANTS

Connie Cousins-Leatherman, Waste Management Authority Division, presented the following item.

The attached Notice of Intended Action would amend the Solid Waste Grant rules to include a review of potential impacts on local and regional planning activities. The purpose of this addition is to coordinate activities funded under both the planning and demonstration grant programs. It is intended that demonstration projects will assist planning efforts, prove technology or economics, and that comprehensive plans will utilize the information provided by the demonstrations.

ENVIRONMENTAL PROTECTION COMMISSION (567)
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.304 and 455E.9 (1987 Code Supp.) the Environmental Protection Commission hereby gives notice of intended action to amend Chapter 209 "Solid Waste Grants," Iowa Administrative Code. This rule

amendment changes the name of the Chapter and adds an eligibility criterion regarding a proposed demonstration project's impact on solid waste comprehensive planning. These changes are necessary to coordinate two different grant programs - demonstration projects and comprehensive plans - and to coordinate and facilitate comprehensive solid waste management planning in Iowa.

Any interested person may make written suggestions or comments on these proposed rules prior to November 9, 1988. Such written materials should be directed to the Waste Management Authority Division, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034. Persons who wish to convey their views orally should contact the Division at 515/281-8263.

This rule is intended to implement the provisions of Iowa Code sections 455B.301A, 455B.311, and 455E.11 (1987 Code Supp.)

ITEM 1. Retitle Chapter 209 as "Grants for Solid Waste Demonstration Projects"

ITEM 2. Amend rule 209.7(455B,455E) Project Award by adding a new paragraph 7 and a new unnumbered paragraph as follows:

"7. Consistency with local and regional solid waste planning efforts.

If a project is not a part of a comprehensive plan required under 455B.306, the department may request a letter explaining how this project will or will not potentially impact the comprehensive planning process and if there is an impact, the department may request a schedule for including the project in the appropriate comprehensive plan or plans."

Larry J. Wilson, Director

Motion was made by Catherine Dunn to approve Notice of Intended Action--Amend Chapter 209, Solid Waste Grants. Seconded by Richard Timmerman. Motion carried unanimously.

NOTICE OF INTENDED ACTION TO AMEND CHAPTER 101 SOLID WASTE DISPOSAL

Connie Cousins-Leatherman, Waste Management Authority Division, presented the following item.

The attached Notice of Intended Action asks for comments and announces a public hearing on amendments to Chapter 101 "General Requirements Relating to Solid Waste Disposal". It also asks for comments on a guidance manual describing the requirements of a Comprehensive Waste Management Plan, Part I which was prepared by the department in cooperation with an advisory committee. A copy of the Guidance Document was provided to the Commission at the July meeting.

Part I Plans involve the examination of alternatives to landfilling according to the waste management hierarchy and according to their economic and technological feasibility.

In addition to adopting the guidance manual by reference, the proposed rules identify three areas for review. Each plan will be reviewed by the department for it's baseline data, waste management system, and implementation schedule. Legislation mandates full implementation of these plans by 1997.

ENVIRONMENTAL PROTECTION COMMISSION (567)
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304 the Environmental Protection Commission hereby gives notice of intended action to amend Chapter 101 "General Requirements Relating to Solid Waste Disposal," Iowa Administrative Code. This action replaces existing rule 101.4(455B), "Details of Management Plan Proposals," with a new rule 101.4(455B), "Comprehensive Plans." 1987 Iowa Acts, Chapter 225, the "Groundwater Protection Act," among other things substantially amended the planning requirements for solid waste sanitary disposal projects. The planning required by Iowa Code Section 455B.306 is now called a "Comprehensive Plan" and must address specific areas, including planning to implement the solid waste management hierarchy of Iowa Code Section 455B.301A (1987 Code Supp.), closure and postclosure, leachate control, financial planning, and emergency response and remedial action. This rulemaking action amends existing rules and addresses those portions of the comprehensive planning requirements related to the solid waste management hierarchy (part I). Rulemaking on the remaining aspects of the plan will be initiated in the future.

This proposed rule provides the criteria by which the department will approve or disapprove Comprehensive Plans, Part I. Comprehensive Plans are required before or at the time of application for and renewal of a sanitary disposal project permit. The rule adopts by reference a guidance document which

supplements or clarifies the criteria. The guidance document has been prepared by the department in cooperation with an advisory group composed of representatives from landfill and recycling operations, regional planning agencies, local governments and other interested parties. Comments are also solicited on the contents of the guidelines. Specific items which are covered in the guidelines which the department is interested in getting comments on are: the interpretation of volume reduction, the use of a conservation credit in performing a cost analysis, and the methods for estimating waste stream composition.

Any interested person may make written suggestions or comments on these proposed rules prior to November 19, 1988. Such written materials should be directed to the Waste Management Authority Division, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034. Persons who wish to convey their views orally should contact the Division at 515/281-8263. In addition, there will be a public hearing on November 9, 1988, at 10:00 a.m. in the fourth floor conference room of the Wallace State Office Building, at which time persons may present their views either orally or in writing.

This rule is intended to implement the provisions of Iowa Code sections 455B.301A and 455B.306 (1987 Code Supp.).

Item 1. Amend rule 101.4(455B) by striking it in its entirety and replacing it with the following:

567---101.4(455B) Comprehensive plans. Cities, counties and private agencies operating or planning to operate a sanitary disposal project after July 1, 1988 shall file with the director either prior to or at the time of application for issuance, renewal or reissuance of a sanitary disposal project permit, a comprehensive plan. The plan shall be updated and refiled with the department every three years or at the time of each subsequent application for issuance, renewal, or reissuance of a sanitary disposal project permit. The department shall act to coordinate and expedite planning activities for multicounty areas where feasible.

101.4(1) Comprehensive planning goal. The goal of a comprehensive plan submitted according to 101.4(2) and (3) is the development of a specific plan and schedule for implementing technically and economically feasible solid waste management methods that will prevent or minimize adverse environmental impact.

101.4(2) Content of a comprehensive plan. In fulfillment of the requirements of Iowa Code section 455B.306(3) and 455B.301A, a comprehensive plan or revision to a comprehensive plan shall include the following information:

a. A description of the planning area and the public and private agencies involved, including a description of each agency's role in managing solid waste generated in the area.

b. A description of past local and regional planning activities,

c. A description of the current and projected 20 year waste composition and waste generation rates, including a listing of industrial and commercial generators in the area.

d. A description of the existing waste management system, its capacity, disposal costs per ton, and projected 20-year disposal costs,

e. An analysis of alternative waste management systems according to the state's waste management hierarchy,

f. A description of the proposed waste management system for the planning area based upon the results of the alternatives analysis,

g. In the case of a sanitary landfill, a specific plan and schedule for fully implementing the comprehensive plant no later than July 1, 1997, and

h. A description of the methods of financing to be used.

A guidance document describing in more detail the content of a comprehensive plan, part I, is available from the records center of the department at 515/281-8860. The document title is "Guidelines for Solid Waste Comprehensive Plans, Part I: Waste Management Alternatives." July 1, 1988.

101.4(3) Alternatives analysis.

a. Alternative solid waste management systems shall be evaluated according to the following waste management hierarchy, listed in descending order of preference:

(1) Volume reduction at the source,
(2) Recycling and reuse,
(3) Combustion with energy recovery,
(4) Combustion for volume reduction,
(5) Landfilling.

b. A complete analysis of alternatives shall include at a minimum:

(1) The development of or participation in a public education program to reduce the volume of solid waste generated by residents, farms, businesses, and industries,

(2) An examination of the following waste items for their existing and potential recyclability, including an identification

of available markets: motor oil, tires, car batteries, nickel chrome and mercury batteries, plastics, newspapers, corregated cardboard, textiles, office paper, construction materials, aluminum and steel cans, colored and clear glass, yard clippings, animal wastes and other organic wastes,

(3) Consideration of an organic municipal waste composting program either at the source or at a central processing facility (at a minimum this program should include yard waste composting),

(4) Investigation of market potential for energy recovery from waste incineration, including the implementation of waste reduction, reuse and recycling prior to combustion,

(5) Description of expected environmental impacts from the alternative waste management systems including any negative impacts on water, groundwater, air quality, plant life, animal life, and human health,

(6) Inclusion of established and anticipated regulatory requirements regarding the future siting, operation, closure and post closure of solid waste facilities, and

(7) Completion of the cost analysis worksheets contained in the "Guidelines For Solid Waste Comprehensive Plans, Part I: Waste Management Alternatives." This document is available upon request from the department.

101.4(4) Plan review. A plan submitted according to 101.4(2) and (3) shall be reviewed by the department for its accuracy, completeness, and appropriateness of baseline data and alternatives analysis, for the environmental and economic feasibility of selected waste management systems, for the plan's adherence to the state's waste management hierarchy, for compliance with statutory deadlines, and for the agency's commitment to public education and adequate financing. The director may reject, suggest modification, or approve a plan based upon these criteria.

Larry J. Wilson, Director

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Amend Chapter 101, Solid Waste Disposal. Seconded by Catherine Dunn. Motion carried unanimously.

TOXIC CLEANUP DAYS CONTRACT

Stu Schmitz, Waste Management Authority Division, presented the following item.

The Department received four proposals from hazardous waste management firms to conduct three toxic cleanup day events in Linn, Story and Montgomery counties. All submitting firms met all minimum requirements. The criteria for evaluation of contractor's proposals were the contractor's technical approach and record, experience and qualifications of personnel, comprehensive safety plan, the ability to maintain a professional image and total price.

GSX of Greenbriar, Tennessee was selected as the contractor based on the firm's extensive experience with Toxic Cleanup Days around the country and the comprehensive technical approach for handling various waste types outlined by the firm. Specific costs for the contract will be determined in later discussions with GSX but will not exceed $200,000.

The Statement of Work portion of the contract is attached for your information.
Article 3.1 involves the selection, establishment, and operation of the tow Toxic Cleanup Days collection stations. Article 3.2 involves the handling, recording, sorting, packaging and storing of the waste materials collected at these stations. Article 3.3 involves the transportation and ultimate management of these wastes. Article 3.4 covers other duties required.

3.1 Collection Stations

a. The DEPARTMENT (in consultation with representatives of local governments and interest groups) will select and establish sites for the collection stations. The DEPARTMENT (in cooperation with local governments and interest groups) shall be responsible for publicity related to Toxic Cleanup Days, and shall work with local fire and police departments in providing assistance with this project.

The collection stations shall have an open area of sufficient size to accommodate all collected hazardous waste, storage equipment, and transport vehicles. The collection station shall have an area

protected from the elements for the actual collection, analysis, sorting, packaging, and record keeping functions. The collection area shall be secure at all times from unauthorized public access.

The collection stations will be located in the communities listed in Attachment A. The collection stations will be operated during the times and dates listed in Attachment A.

b. The CONTRACTOR shall provide staff for the collection stations. The staff shall be trained and experienced in identification and compatibility of hazardous wastes. The stations shall have experienced analytical staff along with laboratory facilities that are capable of sufficiently dealing with and identifying unknowns. Wastes in original labeled containers need not be analyzed. All other wastes shall be analyzed. The analytical capability shall be sufficient to ensure acceptance at EPA-permitted hazardous waste treatment, storage or disposal facilities.

c. All CONTRACTOR personnel at the collection stations shall be in uniform. All equipment shall be clean and properly maintained. The CONTRACTOR shall post signs to prevent smoking, eating and drinking in the station.

d. The CONTRACTOR shall provide a Preliminary Report to the DEPARTMENT at a meeting to be held at least 30 days before the start of collection days. The report shall address the following:

1) A list and description of the laboratory equipment to be provided by the CONTRACTOR and used at the collection stations to identify unknown wastes.

2) A plan for the layout and operation of the collection stations.

3) A contingency plan for containing and controlling spills, and a plan describing safety measures to be used.

4) An emergency medical plan to provide on-site first-aid and evacuation to medical facilities.

5) A list and description (including name, address and EPA I.D. numbers) of transporters and treatment, storage and disposal facilities to be used for the ultimate management of the wastes.

3.2 Handling and Packaging

a. The CONTRACTOR shall prepare on-site waste information sheets as hazardous wastes are received. The CONTRACTOR will advise and provide information sheets in a format similar to that in Attachments B1 and B2.

The CONTRACTOR shall sort the waste based on their compatibility and type. Wastes collected shall be placed in containers labeled "Household Hazardous Wastes--RCRA Exempt." However, for purposes of transportation and disposal, the CONTRACTOR shall treat these wastes as hazardous wastes with no exemptions permitted. The containers must be labeled in accordance with 40 CFR 172. These containers must also comply with all state and federal regulations encountered enroute.

The CONTRACTOR shall use reasonable precautions to prevent air emissions from volatile liquids and wind-blown solids.

The CONTRACTOR will be responsible for conforming to any and all requirements mandated by the EPA-permitted treatment, storage or disposal facility regarding, but not limited to, labeling, packaging and segregation of hazardous wastes.

The CONTRACTOR must provide adequate services for nonhazardous solid waste generated at or brought to the collection stations. The handling, transportation and disposal of all nonhazardous wastes must comply with state and local solid waste regulations. The DEPARTMENT'S on-site coordinator, in coordination with the CONTRACTOR, will make the determination of what nonhazardous solid wastes are eligible for disposal via a solid waste dumpster.

b. Manifests and manifest records must be maintained, in accordance with 40 CFR 262-265, regarding the source, transport and delivery of hazardous waste treatment, storage or disposal facility. Any exception to this

treatment or disposal of any hazardous waste is subject to the approval of the DEPARTMENT.

The CONTRACTOR shall maintain all necessary forms to meet the criteria established at the EPA-permitted facility(ies). Copies of these records and the manifests will be sent to the DEPARTMENT within two weeks of the end of each operation period.

c. Any hazardous waste collected must be properly secured and rendered inaccessible to the public.

d. The CONTRACTOR shall accept without charge up to the limit set in Attachment D all wastes (hazardous and nonhazardous) brought to the collection station.

e. Collection Reports. These reports shall include copies of the information sheets identified in Attachment B2 with the sum of the weight of waste column totaled. Wastes collected shall be classified by type (according to Attachment C) and nonhazardous wastes shall be listed separately. The report shall also include the number of participants from each of the classes: residences and farms. This report shall be submitted within 48 hours after the end of each collection period.

3.3 Transportation and Management

a. The CONTRACTOR shall use land disposal of hazardous waste only if other management methods are not feasible. Preference shall be given to reuse, recovery, treatment, or incineration of wastes.

b. All hazardous wastes will be treated or disposed at EPA-permitted hazardous waste treatment, storage or disposal facility(ies). Any exception to this statement must receive prior written approval from the DEPARTMENT.

c. Before transporting or offering for transport the collected hazardous waste, the CONTRACTOR will package the waste in accordance with 49 CFR 173, 178, and 179.

Before transporting or offering hazardous waste for transport, the CONTRACTOR will label each package in accordance with 49 CFR 172.

Manifests will be prepared for each shipment of hazardous waste in accordance with 40 CFR 262-265.

d. The CONTRACTOR shall remove all hazardous waste from each designated collection station within 48 hours after the closing time of each station.

e. Transportation Report. This report shall certify that all wastes have been transported to appropriate treatment, storage and disposal (TSD) facilities (or to appropriate facilities if nonhazardous waste is collected). This report shall include the type (see Attachment C) and amount (weight) of wastes going to each TSD facility, and the name, address and EPA I.D. number of each facility. This report shall be submitted within 48 hours after each collection period has ended.

3.4 Other Duties

a. The CONTRACTOR shall process all the necessary and required state and federal licenses or permits regarding the collection, handling, packaging, transportation and disposal of hazardous materials (wastes).

b. Progress Report. This report shall include an analysis of the Toxic Cleanup Days program. It shall include the total types (Attachment C) and amount (weight) of waste collected, and shall list the types and amounts collected for the residential and family farm class. Destination (name, address and EPA I.D. number of TSD facility) shall be listed showing type and amount of waste to each facility and the management methods used. Nonhazardous waste shall be listed separately. Costs incurred for handling, analysis, transportation and ultimate management shall be included. This report shall include copies of all completed information sheets, forms, manifests and a copy of Attachment E showing actual hours worked. This report shall be submitted within two weeks after the end of the final collection period.

c. Final Report. The final report shall include a copy of the progress report (including updates, additions and corrections, if any) and an estimated cost of conducting a similar Toxic Cleanup Days program in the entire State of Iowa. For purposes of this estimate, the CONTRACTOR shall assume that one collection station would operate

for two consecutive days such that 33 counties would be covered each year so that in a three-year period each of Iowa's 99 counties would be covered. A discussion of how this estimate was calculated shall be included.

The CONTRACTOR shall include a final copy of Attachment E showing the actual hours worked by the personnel listed.

Also, the CONTRACTOR shall return to the DEPARTMENT all of the completed original information sheets identified in Attachments B1 and B2.

This report shall be submitted within six weeks after the end of the collection periods.

ARTICLE IV - REPORTS AND PRODUCTS

4.1 Delivery of preliminary report containing a) list and description of laboratory equipment to be used at collection stations, b) plan for layout and operation of collection stations, c) written spill control plan, d) written emergency medical plan, e) identification of treatment, storage, and disposal facilities to be used. (Article 3.1(d))

Due Date: 30 working days before first collection day.

4.2 Deliver collection reports on operation of collection stations. (Article 3.2(3))

Due Date: 48 hours after each collection period.

4.3 Deliver transportation report. (Article 3.3(e))

Due Date: 48 hours after end of collection period.

4.4 Deliver progress report (Article 3.4(e))

Due Date: Two weeks after end of collection.

4.5 Deliver final report. (Article 3.4(f))

Due Date: Six weeks after end of collection.

Mr. Schmitz distributed copies of the proposed agreement with GSX along with an outline of their approach, and gave a detailed explanation of the agreement.

Robert Schlutz inquired as to what happened with the Polk County proposal.

Mr. Schmitz responded that the Des Moines Register came out with an article stating that Polk County was selected to participate in this program. Mr. Schmitz stated that the article was in error, as Polk County was not selected. The main reason for not selecting Polk County was because, with a community the size of Polk, it would take all available money and no other projects could be funded.

Discussion followed regarding the need of increased funds for more toxic cleanup days. Robert Schlutz suggested that an item for increased funding be added to the legislative needs list.

Motion was made by Catherine Dunn to approve a contract with GSX of Greenbriar, Tennessee, to conduct three toxic cleanup day events in Linn, Story and Montgomery counties, at a cost not to exceed $200,000. Seconded by Charlotte Mohr. Motion carried unanimously.

PUBLIC PARTICIPATION

Chairman Schlutz announced public participation at 3:30 p.m.; no one requested to speak.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report

E88Sep-28

5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
SEPTEMBER 1, 1988

PROPOSAL	DRAFT TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 2 - Public Records	7/18/88	8/10/88	9/13/88	---	9/09/88	*9/09/88	*10/05/88	*9/09/88
2. Ch. 7 - Contested Case Procedures	3/21/88	4/20/88		---	8/16/88	8/16/88	9/07/88	10/12/88
3. Ch. 8 - Contracts	7/18/88	8/10/88	9/13/88	---	9/19/88	*9/19/88	*10/19/88	*11/23/88
4. Ch. 20, 22, 26, 28 PM10	6/20/88	7/27/88	8/16/88	8/30/88 8/31/88 9/01/88				
5. Ch. 39 - Well Plugging	3/21/88	4/21/88	5/10/88	5/12/88 5/13/88 5/16/88	9/19/88	*9/19/88	*10/09/88	*11/23/88
6. Ch. 42 - Water Supply Grants		EMERGENCY RULE			9/19/88	9/19/88	*10/19/88	*9/30/88
7. Ch. 60, 61 - Water Quality Standards	9/19/88	*10/19/88		11/09/88 11/10/88 11/15/88 11/16/88				
8. Ch. 92 - State Revolving Fund		EMERGENCY RULE			9/19/88	*9/19/88	*10/19/88	*10/21/88
9. Ch. 101 - Solid Waste Comprehensive Plans	9/19/88	*10/19/88		11/09/88				
10. Ch. 209 - Solid Waste Grants	9/19/88	*10/19/88		----				
11. Ch. 210 - Solid Waste Planning Grants	8/16/88	*9/08/88		----				

*Projected

MONTHLY VARIANCE REPORT 8/31/88

). Facility	Program	Engineer	Subject	Decision	Date
1 Jewell, City of	Wastewater Const.	Schlotfeldt Engr.	Increase in Depth-Lagoons	denied	08/02/88
2 Ogden, City of	Wastewater Const.	MMF Engineering	Site Separation	approved	08/10/88
3 Sumner, City of	Wastewater Const.	TeKippe Engineering	Sewer Grade	approved	08/10/88
4 Farmersburg, City of	Wastewater Const.	IIW Engineers	Sewer Pipe Material	approved	08/18/88
5 Farmersburg, City of	Wastewater Const.	IIW Engineers	Manhole Spacing	approved	08/18/88
6 University Park,City	Wastewater Const.	Garden & Associates	Minimum Sewer Size	approved	08/24/88
7 IA DOT-Marion County	Flood Plain	IA DOT	Freeboard	approved	08/08/88
8 Bandag,Inc.-Muscatine	Underground Tanks	Paul E. Crosser	Closure	approved	08/01/88
9 Roush D-X-Conesville	Underground Tanks		Monitoring Well #/Location	denied	08/20/88

REPORTS OF HAZARDOUS CONDITIONS

During the period of August 1, 1988 through August 31, 1988, reports of 88 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted, followed by a general summary and the number per field office. These do not include relesses from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
8/16/88 POCAHONTAS	Acid dissolved a bung in the bottom of a mix tank at 306 Walnut St. in Rolfe, Iowa on August 16, 1988, and 140 gallons of battery acid were spilled.	Precision Battery 306 Walnut St. Rolfe, Iowa 50581	Ten boxes of baking soda and 200 pounds of soda ash were used to neutralize the acid. The neutralized solution was flushed to the sanitary sewer with large amounts of water
8/17/88 DUBUQUE	A tank truck overturned on Highway 52 eight miles south of Dubuque, Iowa on August 17, 1988, and 800 gallons of asphalt spilled into a ditch, entered a culvert, and crossed beneath the road.	City of Bellevue Bellevue, Iowa 52031	Sand was used to contain and absorb the material. The asphalt was picked up along with four to six inches of soil. All material was taken to a landfill for disposal.

Numbers in Parentheses Represent Reports for the Same Period in Fiscal Year 1987

		Substance Type				Mode				
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct	69	47	4	18	53	0	9	1	2	4
Nov	48	35	3	10	37	0	4	0	1	6
Dec	46	36	3	7	39	1	2	0	0	4
Jan	54	43	4	7	45	1	5	1	1	2
Feb	51	30	2	19	37	1	9	3	1	0
Mar	67	41	10	16	49	1	11	2	0	4
Apr	130	58	50	22	85	0	36	2	2	5
May	99	39	42	18	48	0	42	2	1	6
Jun	77	37	14	26	51	0	19	4	0	3
Jul	63	26	8	29	43	0	8	2	1	9
Aug	88 (65)	31 (30)	16 (5)	41 (30)	52 (49)	2 (0)	16 (9)	3 (1)	1(1)	14(5)

Total # of Incidents Per Field Office	01	02	03	04	05	06
This Period	16	13	11	5	22	21

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of August 1, 1988 through August 31, 1988, the following number of releases from underground storage tanks was identified.

26 (18)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1987.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
City of Jewell (2)	Wastewater	Permit condition violation - discharge limits	Order/Penalty	8/10/88
David DeWaard, Kanawha (2)	Air Quality	Open burning	Order/Penalty	8/10/88
Springbrook Country Club, DeWitt (6)	Drinking Water	Failure to monitor - bacteria and nitrate	Order/Penalty	8/10/88
Fawn Creek Country Club, Anamosa (1)	Drinking Water	Failure to monitor - nitrate	Order/Penalty	8/10/88
Pleasant Valley Mobile Home Park, Indianola (5)	Drinking Water	Failure to monitor - inorganics	Order/Penalty	8/10/88
City of Norwalk (5)	Wastewater	Permit condition violation - operational violations	Order/Penalty	8/10/88
City of Algona (2)	Wastewater	MIP	Order/Penalty	8/10/88
City of Ossian (1)	Wastewater	MIP	Amended Order	8/16/88
City of Dakota City (2)	Wastewater	MIP	Order/Penalty	8/19/88

Summary of Administrative Penalties

The following administrative penalties are due:

E1 er 1988

NAME/LOCATION	AMOUNT	DUE DATE
*Shelter Shield (Buffalo Center)	$1,000	12-03-86
*JTM Indust./MacDade/Leamer (Pleasant Valley)	1,000	8-12-87
*OK Lounge (Marion)	448	11-01-87
*Richard Davis (Albia)	1,000	2-28-88
*Ellie's Bar and Grill (Grand River)	515	3-05-88
*63-I80 Truckstop (Poweshiek Co.)	1,000	5-21-88
**Lawrence Payne (Ottumwa)*	525	6-15-88
*Mike's Prairie Home (Ollie)	100	6-16-88
First Place Lanes (Audubon)	1,000	7-05-88
**Chico's Supper Club (Burr Oak)*	283	7-10-88
*Clair-View Acres Store (Delhi)	230	7-11-88
**Pleasant Creek Estates (Shellsburg)*	150	7-20-88
Handi-Klasp, Inc. (Webster City)	1,000	8-02-88
**Twelve Mile House (Bernard)*	299	8-15-88
City of Mason City	300	8-17-88
Merle Kuppinger (Mason City)	500	8-20-88
**Don Scribner (Nashua)*	900	8-21-88
**Dumont Auto Parts (Dumont)	600	9-10-88
Sheldon Farmer's Cooperative Elevator	600	9-13-88
**Jesco's Steakhouse Lounge (Castana)	50	9-13-88
Ainsworth 4-Corners Restaurant (Ainsworth)	200	9-14-88
**Vernon Heights MHP (Cedar Rapids)*	500	9-15-88
Deer Creek Subdivision (Huxley)	245	9-19-88
Reed's Interstate Sales (New Virginia)	215	9-21-88
City of Ricketts	300	9-22-88
Tonja Mobile Home Park (Council Bluffs)	230	9-29-88
R. V. Hopkins, Inc. (Davenport)	1,000	9-29-88
Linwood Mining and Minerals (Davenport)	600	10-1-88
Fawn Creek Country Club (Anamosa)	50	10-10-88
Springbrook Country Club (DeWitt)	100	10-10-88
City of Algona	500	10-12-88
City of Norwalk	1,000	10-12-88
Motel Grinnell (Grinnell)	200	10-15-88
Pleasant Valley Mobile Home Park (Indianola)	100	10-16-88
City of Jewell	500	10-17-88
David DeWaard (Kanawha)	1,000	10-22-88
City of Dakota City	1,000	-------

The following administrative penalties have been appealed:

NAME/LOCATION	AMOUNT
Iowa City Regency MHP	1,000
Thomas E. Lennon (Barnum)	700
Great Rivers Coop (Atavia)	1,000
1st Iowa State Bank (Albia)	1,000
Stan Moser (Hudson)	250
City of University Park	500
Cloyd Foland (Decatur)	800
Lynn Mennenga Feedlot (Wright Co.)	600
Land O' Lakes, Inc. (Ellsworth)	1,000
Harry Brocka (Dumont)	800
City of Marcus	1,000
Milo Chalfant, et.al. (Webster City)	1,000
City of Neola	1,000
Winnebago Industries, Inc. (Forest City)	1,000
Cindi's Chanti (Elgin)	560
Bill Keough (Fertile)	700
The Hayloft Tavern (Grant)	960
Superior-Ideal, Inc. (Oskaloosa)	1,000
City of Olds	1,000
Glenn C. Sevick (Mason City)	600
Verna Johanningmeier (Monona)	1,000
Janesville Water Supply	215
Wash Prairie Lutheran Church (Decorah)	215
Celotex Corp. (Ft. Dodge)	600
Mark Twain Meadows Homeowners Assoc. (Muscatine)	1,000
Miller Products Co. (Osceola)	1,000
City of Elberon	400

Sep-33

*Referred to the Attorney General
**On Payment Schedule

The following administrative penalties were paid in August:

Septe

Minutes

NAME/LOCATION	AMOUNT
**Jesco's Steakhouse Lounge (Castana)	25
**Vernon Heights Mobile Home Court (Cedar Rapids)*	500
Licht Trailer Court (Dubuque)	100
Georgia-Pacific Corporation (Fort Dodge)	500
Davenport Municipal Airport	125
City of Malcom	200
Colonial Inn Motel (Mason City)	215
Conoco Gas & West Branch Inn (West Branch)	630
TOTAL	$ 2,295

ATTORNEY GENERAL REFERRALS
SEPTEMBER 1, 1988

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attornet General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88
ASPRO, Inc. Waterloo (1)		Air Quality	Excess Emissions	Order	Referred	2/16/86
Bozarth and Bell, Inc. Davenport (6)	Updated	Solid Waste	Open Dumping	Order	Referred Suit Filed Default Judgment $7500 Second lawsuit filed Motion to set aside overruled Funds condemned ($2,628) Consent Decree	2/20/87 4/23/87 6/22/87 8/07/88 10/30/87 3/18/88 8/23/88
Bryant, Robert E. Cherokee (3)		Wastewater	Prohibited Discharge	Order	Referred Suit Filed Bankruptcy Proceedings Discovery Proceeding	6/01/86 9/08/86
Clair View Acres Store Delhi (3)	New	Drinking Water	Monitoring/Reporting, Bacteria	Order/Penalty	Referred	8/17/88
Cooper, Kenneth/Hunter Oil Minburn (5)	Updated	Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred	10/27/87 8/17/88
Davis, Richard & Sonja (5)	Updated	Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed	6/22/88 8/11/88
Eilers, Dwayne Waterloo (1)		Flood Plain	Unauthorized Fill	Referred to Attorney General	Referred Suit Filed Default Judgment Bankruptcy	6/19/84 11/01/85 1/12/87
Farmers Cooperative Elevator Co. Radcliffe (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/20/88
Finlan Landfill Chickasaw County (1)		Solid Waste	Permit/Fee	Court Order	Referred Suit Filed	11/17/87 3/08/88
Glidden, City of (4)	Updated	Wastewater	MIP	Referred to Attorney General	Referred Consent Decree	6/12/88 8/03/88
IBP, inc. (Langenfeld) Denison (4)		Wastewater	Prohibited Discharge	Order	Referred	11/17/87
Jungling Farms', Inc. Butler County (2)		Wastewater	Prohibited Discharge	Order	Referred Suit Filed	7/21/86 1/31/87
King, James & Julia Warren County (5)		Flood Plain	Channel Change	Order	Referred Suit Filed Trial	8/20/87 10/08/87 11/ /88

ATTORNEY GENERAL REFERRALS
SEPTEMBER 1, 1988

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Lakewood Sanitary District (5)		Wastewater	Maintenance		Referred	4/26/88
Leamer, Delbert; JTM Ind. Pleasant Valley (6)		Solid Waste	Open Dumping	Order/Penalty	Referred	11/17/87
Mike's Prairie Home Ollie (6)	New	Drinking Water	Monitoring/Reporting, Nitrate	Order/Penalty	Referred	8/17/88
Mt. Pleasant, City of (6)	Updated	Wastewater	MIP	Order	Referred Consent Decree	4/26/88 8/22/88
J.R. Nylen, Ltd. (3)	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Consent Decree	5/17/88 7/29/88
Ottumwa - Wapello Co. Sanitary Landfill		Solid Waste	Operational Violation	Referred to Attorney General	Referred	6/22/88
Pester Derby Oil Company Davenport (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Petition Filed Judgment Amended Cleanup Plan Approved	3/ /83 10/12/84 10/26/84 1/27/86
Pleasant Creek Est. Benton Co. (1)		Drinking Water	Penalty Non-payment	Order/Penalty	Referred Informal Settlement	1/21/88 4/13/88
Poggemiller, William et.al. Louisa County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred Suit Filed	3/20/87 6/25/87
Renslow, Donald Grand Junction (4)	New	Underground Tank	Fairlure to Monitor	Order	Referred	8/17/88
Salisbury, Ronald, Presto-X Des Moines (5)		Hazardous Waste	Treatment and Storage Violations	Referred to Attorney General	Referred Judgment Appealed to Sup. Court Decided in our favor	9/18/84 5/86 7/86 12/23/87
Scribner, Don Nashua (1)		Solid Waste	Open Dumping	Order/Penalty	Referred	7/20/88
Shelter Shield Buffalo Center (6)		Air Quality	Excess Emissions; Construction w/o permit	Order/Penalty	Referred Suit Filed Default Judgement $7,500	2/20/87 6/30/87 12/22/87
63-180 Truckstop Poweshiek Co. (5)	New	Wastewater	Monitoring/Reporting, Discharge limitations, operational violations	Order/Penalty	Referred	8/17/88
Vernon Heights Mobile (1)		Drinking Water	Monitoring/Reporting, Bacteria	Referred to Attorney General	Referred	6/22/88
Wilton Steel Processing (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/17/88
Waterhouse, James & Berna Washington County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred Suit Filed Trail Set	3/16/87 5/13/87 5/13/88
Wolleson, Robert C. Buena Vista and Cherokee Counties (3)		Wastewater	Prohibited Discharge	Order	Referred Consent Decree Contempt Finding Contempt Finding Contempt Finding	11/27/84 4/25/85 7/02/85 9/25/86 8/24/87
Woodland Pork Jones County (1)	Updated	Wastewater	Prohibited Discharge	Order	Referred Suit Filed Temporary Injunction Trail Requested by AG	7/31/86 11/09/86 2/13/87
Yocum, Max Johnson (6)		Flood Plain	Prohibited Construction	Defending	Suit Filed Motion to Dismiss Denied	12/18/84 3/06/85 8/01/85
				Referred to Attorney General	Referred Counter Claim Filed	7/12/85 10/85
					Trial Held Judgment for Department Appealed to Supreme Court	6/16/87 8/18/87 9/01/87

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
SEPTEMBER, 1988

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-17-85	City of Bevington	Administrative Order	MM	Hansen	Settlement offered to city 5-25-88.
1-23-86	Oelwein Soil Service	Administrative Order	MM	Landa	Hearing continued; cleanup study progressing.
6-12-86	ADM - Clinton	Administrative Order	Air	Landa	Hearing continued.
12-03-86	City of Waukee	Administrative Order	MS	Hansen	Hearing continued; settlement close.
12-11-86	Eloise Reese	Permit Condition	FP	Clark	Permit decision affirmed. Appealed to EPC.
5-12-87	Iowa City Regency MHP	Administrative Order	MM	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lennon	Administrative Order	FP	Clark	Order basically upheld by EPC.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Clean-up proceeding.
8-17-87	City of Wapello	Administrative Order	MM	Hansen	Order reversed.
10-22-87	University Park	Administrative Order	MM	Hansen	Hearing set for 9-12-88.
12-11-87	Finlan Landfill	Permit Revocation	SW	Kennedy	Settlement negotiations.
12-31-87	City of Tipton	Administrative Order	MM	Hansen	Received information. Settlement close.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Continued. Settlement pending.
1-22-88	IBP, Fort Dodge	NPDES Permit	MM	Hansen	Negotiating before filing.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	SW	Landa	Continued pending resolution. Well constructed.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Phase I complete. Additional investigation necessary
2-22-88	Amana	Tax Certification Denial	AQ/MM	Landa	Settled.
2-29-88	Lynn Mennenga Feedlot	Administrative Order	MM	Murphy	Hearing set for 9-23-88.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Order upheld. Appealed to EPC.
3-03-88	Motel Grinnel	Administrative Order	MM	Hansen	Settled.
4-13-88	Land O'Lakes, Inc.	Administrative Order	MM	Murphy	Negotiating before filing.
4-28-88	Harry Brocka, Engelena Brocka, Gordon Brocka	Administrative Order	FP	Clark	Order upheld.
5-16-88	Marcus, City of	Administrative Order	MS	Landa	Negotiating before filing.
5-24-88	IBP, Columbus Junction	NPDES Permit	MM	Hansen	Appeal dismissed by ALJ. Appealed by intervenor to EPC.
6-03-88	Milo Chalfant, et.al.	Administrative Order	SW	Landa	Default judgement.
6-03-88	Neola, City of	Administrative Order	MM	Murphy	Negotiating before filing.
6-07-88	Winnebago Industries, Inc.	Administrative Order	AQ	Landa	Negotiating.
6-07-88	Hayloft Tavern	Administrative Order	MS	Murphy	Proposed decision 8-26-88.
6-14-88	Iowa Army Ammunition Plant	Open Burning Variance Denial	AQ	Landa	Appeal withdrawn.
6-22-88	Cindi's Chanti	Administrative Order	MS	Murphy	Negotiating before filing.
7-01-88	Olds, City of	Administrative Order	MS	Landa	Negotiating before filing.
7-01-88	Superior Ideal, Inc.	Administrative Order	MM	Hansen	Hearing rescheduled for 9-29-88.
7-06-88	Glenn C. Sevick	Administrative Order	SW	Kennedy	Hearing scheduled for 9-07-88.
7-25-88	Nishna Sanitary Service, Inc.	Permit Conditions	SW	Landa	Hearing set for 10-10-88.
7-25-88	Aspro, Inc.	Operation Permit	MM	Landa	Sent DIA.
7-25-88	The R.J.S. Enterprises Corp. and Ralph J. Hobbs	Administrative Order	AQ	Landa	Hearing set for 10-04-88.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Hearing set for 10-11-88.
8-10-88	Dennis Elwell Investment Co.	Construction Permit	MM	Hansen	Sent to DIA.
8-10-88	Celotex Corp.	Administrative Order	AQ	Landa	Sent to DIA.
8-12-88	Elberon, City of	Administrative Order	MS	Clark	Negotiating before filing.
8-15-88	Jamesville, City of	Administrative Order	MS	Murphy	Negotiating before filing.
8-17-88	Wash Prairie Lutheran Church	Administrative Order	MS	Murphy	Negotiating before filing.
8-18-88	Mark Twain Meadows	Administrative Order	MS	Murphy	Sent to DIA.
8-23-88	Verna Johanningmeier	Administrative Order	MM	Kennedy	Negotiating before filing.
8-29-88	Miller Products Co.	Administrative Order	MM	Hansen	Sent to DIA.

Mr. Stokes gave a status report on the testing being done at Des Moines Metro Landfill and surrounding properties owned by Frank Sloan and Dick Burdock. He distributed copies of a report showing what sampling had been done (since July 21, 1988) and results from same. He stated that results from soil-gas vapor monitoring which was conducted on the Sloan and Kane properties was not yet available. A report on the results of these tests will be given the Commission at their next meeting. Also distributed were copies of a report from Meredith/Burda Company showing analysis from their ash samples. Mr. Stokes added that DNR is also conducting sampling and testing on the Meredith ash; the results are not completed but will be presented when available.

This was an information item; no action was required.

PRIVATE WELL SAMPLING AND ABANDONMENT--GRANTS TO COUNTIES (CHAPTER 47)

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department recommends Commission approval for grants to 35 counties for well testing and grants to 37 counties for well closure (a total of 38 counties to receive grants) as shown on Table 1. The grants for well testing would be $8,272 per county for all but three counties which requested less. The grants for well closure would be $3,992 per county. Total funds available for the programs for FY 89 are $283,133 for well testing and $147,722 for well closure.

Four counties submitted applications for well testing and/or closure grants not meeting the application requirements, and these are not recommended for approval. Details on the application deficiencies for these counties are given on Table 2. In all but one of these cases, the applications were received on August 22, the final acceptance date. This did not allow time for the deficiencies to be discussed with the applicants and corrected. The applications for Grundy County were received 10 days after the closing date, which was too late for them to be considered.

The applications from other counties were either submitted early enough or discussed sufficiently with department staff prior to submittal to assure that all of the application requirements would be met. Interest in the programs was high, as was evidenced by the attendance of 134 representatives from 53 counties at an all day Private Well Permits/Grants to Counties Work Shop conducted by the Department on May 26, 1988. A total of 42 counties applied for grants; 38 for well testing and 40 for well closure. 36 counties applied for grants for both programs; two applied for well testing grants only and four applied for well closure grants only. There was one multi-county application submitted which included Carroll and Crawford Counties. Nine counties applying did not have either existing well programs or onsite sewage disposal programs. An additional four counties did not have existing well programs.

25 of the counties have applied for delegation of well permitting authority under Chapter 38, and this number continues to increase.

(Tables I and II are shown on the following 3 pages)

TABLE 1

CHAPTER 47
GRANTS TO COUNTIES
FOR WELL SAMPLING AND ABANDONMENT

County	New and Existing Programs			Grant Application For A-Testing B-Closing	Well Testing			Well Clos	
	Water Wells Chapt. 49	Onsite Disposal Chapt. 69	(1) Well Permits Chapt. 38		Number of Wells	Grant Request Amount	Grant Award Amount	Number of Wells	Grant Reques Amount
Black Hawk	E	E		A,B	300	$ 19,200	$ 8,272	50	$ 13,33
Bremer	E	E	N	A,B	200	14,513	8,272	50	12,50
Calhoun	R	R	N	A,B	200	7,125	7,125	50	13,05
Carroll (2)	E	E	N	A,B	300	20,880	8,272	50	13,34
Crawford (2)	R	E	N	A,B	250	17,375	8,272	40	10,67
Cedar	E	E	N	A,B	520	13,922	8,272	45	11,54
Cerro Gordo	R	R		B	---	---	---	40	7,50
Chickasaw	R	E	N	A,B	124	9,509	8,272	50	12,98
Clayton	E	E	N	A,B	100	8,200	8,272	40	8,00
Clinton	E	E		A,B	300	21,000	8,272	50	13,33
Delaware	R	R	N	A,B	100	10,000	8,272	25	9,00
Des Moines	E	E		A,B	300	57,650	8,272	50	12,50
Dubuque	R	R		A,B	2,000	40,000	8,272	100	25,50
Fayette	E	E	N	A,B	100	7,000	7,000	50	13,33
Franklin	E	E		A,B	64	10,529	8,272	50	13,59
Guthrie	E	E	N	A,B	300	27,900	8,272	100	26,66
Hamilton	E	E	N	A,B	230	20,100	8,272	70	18,85
Henry	R	R	N	A,B	400	44,830	8,272	150	37,50
Humboldt	E	E	N	A,B	136	9,670	8,272	20	4,44
Ida	R	R		A,B	175	8,165	8,272	15	4,00
Iowa	R	R		B	---	---	---	25	6,4
Jackson	E	E		A,B	400	31,040	8,272	70	18,1
Jasper	E	E	N	A,B	300	22,050	8,272	50	14,8
Johnson	E	E	N	A,B	114	7,000	8,272	15	4,0
Lee	E	E	N	A,B	200	16,500	8,272	50	14,0

TABLE 1 (CONTINUED)

County	New and Existing Programs			Grant Application For A-Testing B-Closing	Well Testing			Well Clo	
	Water Wells Chapt. 49	Onsite Disposal Chapt. 69	(1) Well Permits Chapt. 38		Number of Wells	Grant Request Amount	Grant Award Amount	Number of Wells	Gran Reque Amoun
Mitchell	E	E		A,B	370	$ 23,148	$ 8,272	25	$ 6,2
Montgomery	R	R	N	A,B	432	11,026	8,272	30	5,5
Page	R	R	N	A,B	1,000	69,500	8,272	200	50,1
Palo Alto	E	E		A,B	232	14,415	8,272	75	18,7
Poweshiek	E	E		A,B	300	19,190	8,272	60	16,0
Sac	E	E	N	A,B	370	12,395	8,272	50	13,0
Scott	E	E		A,B	500	82,331	8,272	50	27,7
Story	E	E	N	B	---	---	---	60	15,0
Van Buren	E	E		A	50	4,290	4,290	---	--
Wapello	R	E		A,B	350	22,035	8,272	25	6,6
Webster	E	E	N	A,B	200	10,525	8,272	60	16,0
Winneshiek	E	E	N	A,B	100	8,300	8,272	30	7,5
Wright	E	E	N	A,B	300	21,000	8,272	50	13,3
TOTALS	E-26 R-12	E-29 R-9	23	A-35 B-37	11,319	$742,313	$283,119	2,020	$535,(

(1) Current listing; permit delegation requests are still being received.
(2) Joint multi-county application.

E - Existing program
N - New program
R - Recently adopted Chapter 49 or 69

WR:bkp/WQPS243P09.01 -.02

TABLE 2

CHAPTER 47
GRANTS TO COUNTIES REQUESTED
FOR WELL SAMPLING AND ABANDONMENT

County	New and Existing Programs			Grant Application For A-Testing B-Closing	Well Testing			Well Clo	
	Water Wells Chapt. 49	Onsite Disposal Chapt. 69	(1) Well Permits Chapt. 38		Number of Wells	Grant Request Amount	Grant Award Amount	Number of Wells	Gran Reque Amoun
Audubon	E	E		A,B	50	$ 750	---	30	$ 7,0
Hardin	E	E	N	A,B	232	14,415	---	---	--
Linn	E	E	N	A,B	1,500	55,800	---	40	19,2
Union	R	E			---			40	10,6
TOTALS	E-3 R-1	4	2	A-3 B-3	1,782	$70,915	---	110	$36,8

(1) Current listing; permit delegation requests are still being received.

E - Existing program
N - New program
R - Recently adopted Chapter 49 or 69

Discussion: Audubon County did not submit copies of their water and sewage ordinances or resolutions, so there knowing if they are as stringent as the state rules. The applications were received too late to contact the co the deficiencies.

Hardin County has not adopted Chapter 69 (Onsite Disposal). The Chapter 12 ordinance in effect by the county h superseded by Chapter 69, which must be adopted. The application was received too late to contact the county t deficiency.

Linn County has an active program employing 5 sanitarians. However, their applications for the testing and clo programs were not responsive to the requirements. The Well Closure Program did not include a Part B-Work Plan and the county did not adopt Chapter 39 (Well Closure). The County Regulation 1-71 (approved July 12, 1971 and 1978), is not as stringent as Chapter 69 and is not acceptable. Regulations or ordinances as stringent as Chap required for both the well testing and well closure programs. The applications were received too late to conta to correct the deficiencies.

Union County did not adopt Chapters 39 (Well Closure) and 69 (Onsite Disposal). They were contacted about the elected to withdraw their application rather than adopt Chapter 69.

WR:bkp/WQPS245P01.01

Motion was made by Catherine Dunn to approve grants to 35 counties for well testing and grants to 37 counties for well closure as presented. Seconded by Donna Hammitt. Motion carried unanimously.

EMERGENCY ADOPTED RULE--CHAPTER 42, RESCIND SPECIAL MONITORING FOR PESTICIDES AND SYNTHETIC ORGANIC CHEMICALS

CHAPTER 42, WATER SUPPLY GRANTS FOR PESTICIDES AND SYNTHETIC ORGANIC CHEMICALS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

SPECIAL MONITORING FOR PESTICIDES AND SYNTHETIC ORGANIC CHEMICALS AND, WATER SUPPLY GRANTS AUTHORIZED UNDER 455E.11

It is recommended that the Commission authorize emergency adopted and implemented rules concerning the above two related issues.

Pesticides and Synthetic Organic Chemicals. This one time testing has been completed and the final report has been submitted to the legislature. Accordingly, the necessity for existing Chapter 42 no longer exists.

Iowa Code section 455E.11 (1987 Iowa Code Supplement, as amended by 1988 Iowa Acts, Senate File 2250, section 10) authorizes the award of grants to water supplies for the abatement or elimination of threats to public health and safety resulting from contamination of a public water supply sources. An amount equal to 25 percent of the receipts to the groundwater fund derived from the landfill tonnage fee beginning July 1, 1987 and ending June 30, 1988 is reserved for providing grants.

It is proposed to replace existing Chapter 42 (Item 1), with a new proposed chapter of rules, entitled "Water Supply Grants Authorized under 455E.11", that evolves from a slightly revised set of 1987 proposed grant rules (Chapter 43) which were presented at public hearing and set for Commission adoption. The groundwater legislation, which became effective in 1987, eliminated the authority for the water supply grants program,

thus eliminating the need for rules. No comment was received concerning the earlier proposed rules. Due to the fact that very minor changes from the 1987 grant rules have been made, it is anticipated that no public comment would be received if the normal notice and adoption procedures were followed for this new set of rules. Adoption and filing of this chapter of rules emergency will confer a benefit on the public by allowing the Department to award grants by March 1, 1989 and public water supply systems to coordinate receipt of this grant with other government grants or loans prior to beginning the 1989 construction season.

If approved, new Chapter 567--42 would become effective on September 30, 1988, upon filing with the Administrative Rules Coordinator.

ENVIRONMENTAL PROTECTION COMMISSION (567)
Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 455B.105 (1987) and 1988 Iowa Acts, Senate File 2250, section 10, the Environmental Protection Commission for the Department of Natural Resources hereby emergency adopts rules to rescind existing Chapter 567--42(455B), Special Monitoring for Pesticides and Synthetic Organic Chemicals, and emergency adopts rules setting out the procedures for applying for water supply grant funds as authorized under Iowa Code section 455E.11 (1987 Iowa Code Supplement, as amended by 1988 Iowa Acts, Senate File 2250, section 10) and to provide the method by which applications will be evaluated and grants awarded. These rules may have an impact on small businesses.

Existing Chapter 42(455B) provides the rules for the one-time testing of water supplies for pesticides and synthetic organic chemicals. This testing has been completed and the final report has been submitted to the Legislature.

Proposed new Chapter 42(455B) includes the procedures to apply for water supply grant funds and to provide the method by which applications will be evaluated and grants awarded. It is the intent of the rules to award grants to projects that will result in abatement or elimination of water quality problems within a short time frame. The grant fund is created from monies received from the landfill tonnage fee pursuant to 455B.310.

Grant eligible projects and project costs are detailed in the chapter. Procedures for ranking grant applications, awarding grants, payment of grant funds to the grantee and conditions

under which forfeiture of grant funds may occur are outlined in this chapter.

In compliance with Iowa Code section 17A.4(2), the agency finds that public notice is unnecessary, impracticable, and contrary to the public interest. The new legislative authority for these rules became effective on July 1, 1988. It is in the interest of the public and in furtherance of legislative intent that this grant program be implemented immediately. Immediate implementation of this water supply grants program will enable the Department to award grants by March 1, 1989. Issuance of grants at that time will enable public water supply systems to coordinate receipt of this type of grant with receipt of other governmental grants and loans prior to the 1989 construction season. The public water supply systems will have the full 1989 construction season which begins approximately April 1, 1989, available for completion of the project due to the award of these grants by March 1, 1989. Additionally, no public comment was received in 1987 when very similar rules were proposed pursuant to earlier statutory authority which was then rescinded by the 1987 groundwater legislation.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b", that the normal effective date of the rules, 35 days after publication, should be waived and the rules made effective on September 30, 1988, because the new chapter of rules confers a public benefit. The new rules are beneficial to the public since they allow water supply grants to be issued prior to the beginning of the 1989 construction season and to be coordinated with the receipt of other governmental grants and loans. The public water supply systems will have a ninety day period to apply for the grants under these rules.

Copies of Chapter 42 may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I, and Iowa Code section 455E.11 (1987 Code Supplement as amended by 1988 Iowa Acts, Senate File 2250, section 10).

These rules were adopted by the Environmental Protection Commission on September 20, 1988 and become effective on September 30, 1988 after filing with the Administrative Rules Coordinator.

ITEM 1. Rescind existing Chapter 567--42(455B), Special Monitoring for Pesticides and Synthetic Organic Chemicals. This

chapter provides the rules for the one-time testing of water supplies for pesticides and synthetic organic chemicals pursuant to 1986 Iowa Acts, House File 2303, Section 1. This testing has been completed in its entirety and the final report has been submitted to the Legislature.

ITEM 2. Adopt a new chapter 567--42(455B) as follows:

Chapter 42
Water Supply Grants Authorized Under 455E.11

567--42.1(455B) Authority, purpose and applicability.

42.1(1) Authority. Pursuant to Iowa Code section 455E.11, a groundwater fund is created from monies received from the tonnage fee and from other sources designated for purposes related to groundwater monitoring and groundwater quality standards. Twenty-five percent of the monies received from the tonnage fee, beginning July 1, 1987 and ending June 30, 1988, is reserved for the purpose of providing grants to public water supply systems to abate or eliminate threats to public health and safety resulting from contamination of the water supply source.

42.1(2) Purpose. The purpose of these rules is to provide the procedures to apply for grant funds and to provide the method by which applications will be evaluated and grants awarded. It is the intent of these rules to award grants to projects that will result in abatement or elimination of a problem within a short time after the grant has been awarded. Projects for which grants are awarded shall be completed no later than December 31, 1990.

42.1(3) Applicability. The requirements of this chapter apply to all water supply grant requests authorized under 455E.11 regardless of the type or size of water system for which the grant is being requested.

567--42.2(455B) Definitions.

When used in this chapter, unless the context otherwise requires:

"Abate or eliminate threats from contamination" means to reduce the contaminant level in the finished water to a level below the maximum contaminant level pursuant to Chapter 567--41 IAC or to a level considered acceptable by the department.

"Application" means a request for grant funds including the required form and any attachments.

"Department" means the Iowa Department of Natural Resources.

"Eligible applicant" means any public water supply system located within the state of Iowa and having a valid department water supply operation permit.

"Grant" means funds received pursuant to 455E.11.

"Maximum contaminant level goal" means a nonenforceable contaminant limit that has been set at a level at which no known or anticipated adverse effects on the health of the public will occur and which contains an adequate margin of safety.

"Project" means an activity or activities funded with 455E.11 grant funds.

"Recipient" means an eligible applicant receiving funds under this program.

"Unexpended funds" means any surplus grant funds available after all grants have been awarded.

567--42.3(455B) Eligible projects and costs.

42.3(1) Projects assisted by this program must be for the abatement or elimination of a threat to the public health and safety resulting from contamination of the water supply source.

42.3(2) Eligible projects shall be limited to construction related projects. The grant eligible portion of a project shall be limited to the actual construction costs. All other types of projects or project activities are not grant eligible.

42.3(3) Examples of grant eligible projects include, but are not limited to:

a. Construction costs to provide a replacement well or for reconstruction of an existing well.

b. Construction costs to provide a new water treatment facility or for reconstruction or modification of an existing facility to eliminate contamination.

c. Construction costs to connect to an alternate public water supply.

42.3(4) Examples of grant ineligible projects or project costs include, but are not limited to:

a. Project related to improving the aesthetic quality of the water.

b. Project consisting of increasing the available water storage or improving or extending the distribution system.

c. Projects related to the correction of a problem caused by poor or inadequate operation and maintenance of the existing system.

d. Site cleanup or remedial work resulting from a spill, illegal dumping or a leaking underground storage tank.

e. Routine operation or maintenance costs.

f. Projects related to the correction of a contamination problem caused by or resulting from actions of the applicant, including but not limited to, leaking tanks, chemical spills, failure to maintain or properly operate the water system, and violations of state requirements.

g. Planning activities, including preparation of an engineering report.
h. Engineering costs to prepare plans and specifications.
i. Costs related to obtaining a construction permit or submission of a request for a grant.
j. Administrative costs of the project.
k. Costs associated with obtaining land or an easement for construction.
l. Fines and administrative penalties assessed against the public water supply system.

567--42.5(455B) Application for grant funds.
42.5(1) Restrictions on applicants.
a. No more than one application will be considered from any applicant. Where multiple water systems are served by another public water supply, only one grant will be awarded unless the consecutive water system maintains its own water sources and the sources are contaminated.
b. The application shall be for work anticipated and costs incurred after the award of the grant. Grants will not be awarded to reimburse the costs that were incurred prior to the grant award.
42.5(2) Application procedure. Grant applications will be accepted and reviewed and grants will be awarded in accordance with the following schedule:
Applications will be accepted from September 30, 1988 through December 31, 1988.
Award of grants will begin March 1, 1989.
An original and one (1) copy of the application must be submitted. The application shall be made on a form provided by the department. Application forms and instructions are available upon request from:
Water Supply Section
Department of Natural Resources
900 East Grand Avenue
Des Moines, Iowa 50319-0034
Each application received will be reviewed, rated and ranked based on rating factors. Applications with the highest ranking will be funded, to the extent that grant funds are available. If unallocated grant funds exist following the award of grants, the department may consider grant applications received after December 31, 1988.

567--42.6(455B) Rating factors. The following rating system will be used to rank applications under this program.

42.6(1) Type of contamination. Priority will be given to synthetic organic compounds (including petroleum by-products), herbicides and other pesticides. Based upon the type of contamination at the point of entry to the distribution system, the following points will be awarded:

Synthetic organic compounds, herbicides,

and other pesticides . . . . . 100 points

Inorganic compounds and chemicals which

have maximum contaminant levels pursuant to

Chapter 567--41 other than fluoride and turbidity . 55 points

Bacteriological . . . . . 30 points

Radiological . . . . . 15 points

All other contaminants . . . . . 0 points

Applicants with multiple contaminants will be awarded cumulative points if contaminants are present from more than one of the above categories and the project will correct these contamination problems.

42.6(2) Severity of problem. The severity of the contamination level in the system will be evaluated. Priority will be given to systems that have a more severe problem. Twenty (20) points will be awarded if the contaminant level found in the drinking water exceeds a maximum contaminant level pursuant to Chapter 567--41 IAC and 10 points will be awarded if the contaminant level exceeds a maximum contaminant level goal.

42.6(3) Type of system.

a. Category 1: A public water supply system regulated under Iowa Code Chapter 455B which serves a city under Iowa Code Chapter 362 or serves a state-owned facility regularly housing two hundred or more persons, benefited water districts created under Iowa Code Chapter 357, rural water districts created under Iowa Code Chapter 357A and water systems serving publicly owned schools or

institutions . . . . . 100 points

b. Category 2: All community water

systems not included in Category 1 . . . . . 40 points

c. Category 3: A noncommunity water

system serving a nontransient population . . . . 20 points

d. Category 4: All noncommunity water

systems not included in Category 3 . . . . . 0 points

42.6(4) Regional solution. Priority will be given to a system for which regionalization with another public water system is the selected option . . . . . 30 points

42.6(5) The total points to an applicant will be the total of the points awarded pursuant to the four rating factors listed above in 42.6(1) through 42.6(4).

567--42.7(455B) Verification of data. Applications will be reviewed to verify figures or statements in the application. In cases where inaccuracies, omissions or errors are found, the department may reject the application.

567--42.8(455B) Award of grants.

42.8(1) Grants will be awarded to eligible projects in the order of the project rating. Projects with the highest ratings will be awarded funds ahead of projects with lower ratings. Applications receiving equal points will be rated at the discretion of the department, in order to fund the applicant with the most immediate problem.

42.8(2) The amount of any grant shall not exceed 10 percent of the total available grant funds or 100 percent of the grant eligible costs, whichever is less.

42.8(3) All applicants will be notified whether or not they will receive a grant. All grant applications will be retained by the department. Unsuccessful applicants may be awarded a grant after the initial grant award from funds forfeited under rule 567--42.10.

43.8(4) Successful applicants may be required to attend a conference with department representatives to outline procedures to be followed as grant recipients.

42.8(5) Upon selection of a project for grant funding, the department will issue a grant award agreement. These rules and applicable federal and state laws and regulations shall become a part of the grant award. Certain activities may require that permits or clearances be obtained from other state or federal

agencies prior to proceeding with the project. Award of the grant does not relieve the grantee of these requirements.

42.8(6) Copies of all contracts entered into by the grantee relative to this project shall be forwarded to the department.

567--42.9(455B) Payment of grants.

42.9(1) Payment of grant funds to the grantee will be made only after the actual expenses have been incurred. Grant recipients shall submit requests for funds in the manner and on forms prescribed by the department. Financial records, invoices, supporting documents and all other records pertinent to the grant program shall be retained by the recipient for a minimum of three years.

42.9(2) Representatives of the State Auditor's Office and the Department of Natural Resources or the department's designee shall have access to all books, accounts, documents, records and the construction site pertaining to the project under these rules.

42.9(3) The department may perform any reviews or field inspections it deems necessary or require the applicant to perform and submit test results (including water quality analyses) it deems necessary to assure that water supply contamination problems have been eliminated or abated. If problems are noted, the department may require remedial actions to be taken.

567--42.10(455) Forfeiture of grant funds.

42.10(1) Forfeiture of a portion of or the entire grant may result if monies awarded are not spent by the grant expiration date.

42.10(2) Forfeiture of a portion of or the entire grant will result for the following reasons:

a. The grant will be forfeited if it is determined that the grant was obtained by fraud or misrepresentation regardless of whether grant monies have already been given to the grantee. Any grant received or spent shall be repaid to the state.

b. The grant will be forfeited if it is determined that the grantee did not incur costs for which grant payments were made and monies received or spent and shall be repaid to the state.

42.10(3) The grant recipient cannot receive more grant monies for the grant eligible portion of the project than the cost of those items. The grant will be reduced or forfeited so that the grant award applies to only the unfunded portion of the project. Any grant monies received or spent in excess of the grant eligible portion of the project shall be repaid to the state.

Larry J. Wilson, Director

Motion was made by Catherine Dunn to rescind existing Chapter 42, Special Monitoring for Pesticides and Synthetic Organic Chemicals. Seconded by Nancylee Siebenmann. Motion carried unanimously.

Motion was made by Catherine Dunn to approve Emergency Adoptd Rule--Chapter 42, Water Supply Grants. Seconded by Nancylee Siebenmann. Motion carried unanimously.

RECESS

Prior to recessing for the day, Director Wilson distributed copies of the Iowa Recycling Directory prepared by the Waste Management Authority Division.

James Combs distributed copies of additions to the legislation packet-Item #22.

Chairman Schlutz recessed the meeting at 4:55 p.m., Monday, September 19, 1988.

MEETING RECONVENES 8:30 A.M., TUESDAY, SEPTEMBER 20, 1988

Vice-Chairman Timmerman called the meeting to order at 8:30 a.m.

NOTICE OF INTENDED ACTION--CHAPTERS 60 and 61, WATER QUALITY STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission is requested to approve holding six public hearings listed in the notice of intended

action for the proposed water quality standards modifications. The attached notice of intended action reflects the same document presented at the August commission meeting.

ENVIRONMENTAL PROTECTION COMMISSION (567)
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources gives notice of intended action to amend Chapter 60, "Scope of Title-Definitions-Forms-Rules of Practice," and Chapter 61, "Water Quality Standards."

As required by the U.S. Environmental Protection Agency (EPA), water quality standards are periodically reviewed for technical accuracy, incorporation of current scientific data and consistency with the EPA guidelines and requirements. The Department is proposing the following amendments as the result of this review.

New definitions are added to rule 60.2 for water contact recreational canoeing, mixing zone, zone of initial dilution, four-day, three-year low stream flow, minimum flow, crossover point, intermittent water courses, losing stream, acute toxicity, and chronic toxicity. The definition for secondary contact is amended to explain that secondary contact includes users that do not enter the waterbody while on a boating activity. The definitions for "high quality waters" and "high quality resource waters" are deleted from 60.2.

In subrule 61.2(1), an additional resource document from EPA is added as a reference for application of narrative standards. Subrule 61.2(2)"b" is amended to delete the list of forty-nine high quality waters and extends protection to all waterbodies where the water quality significantly exceeds the levels necessary to protect existing uses. This amendment was requested by EPA and is a minimum requirement of the federal regulations.

Subrule 61.2(2)"c" is amended to conform to EPA regulations. EPA regulations establish three tiers of waters. The highest classification pertains to water bodies where no degradation at all is allowed and where more stringent standards than those applied to other antidegradation waters may be applied. Presently, West Lake Okoboji falls within this class. The format of this subrule is changed to allow for the addition of other waterbodies that may fall within this category. Subrule 61.2(2)"d" is amended to specifically cite a rule reference. Subrule 61.2(2)"f" is amended to delete the specific list of waterbodies protected and to refer to the warm waters listed in

subrule 61.3(5)"e." Subrule 61.2(2)"g" is revised to reflect changes in definitions for different types of waterbodies.

Subrule 61.2(4) is rescinded and replaced by a new subrule. As recommended by the EPA, this subrule attempts to better define the term mixing zones. Additionally, the subrule sets forth more detailed procedures for calculating the dimensions of the mixing zone and zone of initial dilution. Reference to the four-day, three-year low flow, newly defined in 60.2, is made in determining the width and length of the mixing zone. The four-day, three-year low flow is also used to determine the stream flow to be used to establish effluent limits to assure compliance with the mixing zone criteria.

Subrule 61.2(5) concerning the implementation strategy has been amended. The revised rule requires the numerical criteria in the water quality standards to be met when the flow of the receiving stream meets or exceeds the four-day, three-year low flow. The standard in the previous rule for the flow of the receiving stream was the average seven-day low flow that occurs once in ten years. The subrule continues to allow for waivers of the low flow requirement and establishment of a minimum flow with the added condition that the continued maintenance of beneficial uses of the receiving waters will be assured. The amendment further provides that toxic conditions will not be allowed to occur in the receiving waters outside the mixing zone. This subrule is proposed following EPA guidelines.

Subrule 61.2(5)"c" has been revised. The word "standards" has been replaced by the word "criteria" throughout this subrule. The revision provides that evaluations for site-specific criteria must be conducted using scientifically accepted procedures approved by the department. EPA must review and approve site-specific criteria.

Existing subrule 61.3(1) is renumbered as 61.3(2) and replaced by new subrule 61.3(1) which pertains to surface water classification. This classification defines general use and designated use segments. Definitions are included for the following designated uses: primary contact recreation, Class A; cold-water aquatic life, Class B(CW); high quality resource warm-water, Class B(HQ); significant resource warm-water, Class B(WW); limited resource warm-water, Class B (LP); lakes and wetlands, Class B(LW); and drinking water supply, Class C. This subrule results from EPA recommendations.

Subrule 61.3(1) is renumbered as 61.3(2) and revised to reflect the definitions added for general use, designated use, and acutely toxic. This subrule is revised to specifically prohibit new wastewater discharges on water courses that directly or indirectly enter sinkholes or losing stream segments.

Subrules 61.3(2)-(4) are rescinded and replaced by subrule 61.3(3). This subrule pertains to specific water quality criteria for Class A, Class B and Class C waters. The subrule includes tables setting forth criteria for chemical constituents, dissolved oxygen, and ammonia for the various classifications of water bodies. Fourteen new toxics were added to the table of chemical constituents. New pH and temperature variables are used for establishing ammonia levels for various waterbodies. This subrule follows U.S. EPA guidelines.

The referenced document in subrule 61.2(5), "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, will be modified to reflect these proposed rule changes. The document changes should be completed near the projected adoption date for these water quality rule changes. Formal rulemaking procedures including public hearing will be completed independently for the changes to the referenced document.

Any interested person may submit written suggestions or comments on the proposed rule changes through _____. Such written materials should be directed to Ralph Turkle, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034. Persons who have questions may contact Ralph Turkle at 515/281-7025. Persons are also invited to present oral or written comments at public hearings which will be held on November 9, 1988 at 1:00 p.m. in the auditorium of the Elkader Opera House, 207 North Main, Elkader, Iowa; on November 9, 1988 at 7:00 p.m. in the National Guard Armory, 1101 West Madison (Junction of Hwy. 1 and 92), Washington, Iowa; on November 10, 1988 at 1:00 p.m. in the Council Chambers at the City Hall, 19 South Delaware, Mason City, Iowa; on November 15, 1988 at 1:00 p.m. in the Community Center, 530 West Bluff, Cherokee, Iowa; on November 15, 1988 at 7:00 p.m. in the Atlantic Municipal Utilities meeting room, 15 West Third, Atlantic, Iowa; on November 16, 1988 at 1:00 p.m. in the auditorium of the Wallace State Office Building, 900 East Grand, Des Moines, Iowa.

These rules may have an impact upon small businesses.

Copies of these proposed rules may be obtained from Sarah Detmer, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I.

ITEM 1. Amend rule 60.2 by deleting the definitions for "high-quality waters" and "high-quality resource waters" entirely

and revising the definition for "secondary contact" to read as follows:

"Secondary contact" means any recreational or other water use in which contact with the water is either incidental or accidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, commercial and recreational boating and any limited contact incidental to shoreline activity. This would include users who do not swim or float in the waterbody while on a boating activity.

ITEM 2. Amend rule 60.2 by adding new definitions in alphabetical order to read as follows:

"Acute toxicity" means that level of pollutants which would rapidly induce a severe and unacceptable impact on organisms.

"Chronic toxicity" means that level of pollutants which would, over long duratons or recurring exposure, cause a continuous, adverse and unacceptable response in organisms.

"Crossover point" means that location in a river or stream in which the flow shifts from being principally along one bank to the opposite bank. This crossover point usually occurs within two curves or an S-shaped curve of a water course.

"Four-day, three-year low stream flow" means the lowest average stream flow which would statistically occur for four consecutive days once every three years.

"Intermittent watercourses" means watercourses which contain flow associated with rainfall/runoff events and which periodically go dry even in pooled areas.

"Losing streams" means streams which lose thirty percent or more of their flow during the four-day, three-year low stream flow periods to cracks and crevices of rock formations, sand and gravel deposits, or sink holes in the streambed.

"Minimum flow" means that established stream flow in lieu of the four-day, three-year low stream flow to which the provisions of Chapter 61 apply.

"Mixing zone" means a delineated portion of a stream or river in which wastewater discharges will be allowed to combine and disperse into the waterbody. The chronic criteria of subrule 61.3(3) will apply at the downstream edge of this zone.

"Water contact recreational canoeing" means the type of activities associated with canoeing outings in which primary contact with the water does occur. This would include users who swim or float in the water body while on a canoeing outing.

"Zone of initial dilution" means a delineated portion of a mixing zone in which wastewater discharges will be allowed to rapidly combine and begin dispersing into the waterbody. The acute criteria of subrule 61.3(3) will apply at the downstream edge of this zone.

ITEM 3. The third unnumbered paragraph of subrule 61.2(1) is revised as follows:

Certain of the criteria are in narrative form without numeric limitations. In applying such narrative standards, decisions will be based on the U.S. Environmental Protection Agency's methodology described in "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses," 1985 and on the rationale contained in "Quality Criteria for Water," published by the U.S. Environmental Protection Agency (1977), as updated by supplemental Section 304 (of the Act) Ambient Water Quality Criteria documents.

ITEM 4. Subrule 61.2(2)"b" is amended by deleting the list of forty-nine waterbodies entirely and by amending the first paragraph of this subrule as follows:

b. Chemical integrity: ~~Those existing high-quality waters, named below,~~ For those waterbodies where water quality significantly exceeds levels necessary to protect existing uses that water quality will be maintained at or above existing quality, except when ~~:os~~, after full satisfaction of the intergovernmental coordination and public participation provisions of the continuing planned process, it is determined by the Environmental Protection Commission after public hearing that there is need to allow a lower ~~the~~ chemical quality because of necessary and justifiable economic and social development in the area . ~~In allowing such degradation or lowered chemical quality, t~~The state shall assure~~ensure~~ adequate chemical quality to fully protect existing uses.

ITEM 5. Subrule 61.2(2)"c" is amended as follows:

c. ~~It is intended that rules defining facility design criteria, discharge limitations, and other restrictions will be adopted by the commission for specific application to antidegradation waters. West Lake Okoboji is an outstanding Iowa lake, and s~~:os~~S~~tandards and restrictions more stringent than those applied to other antidegradation waters may be applied by the commission to West Lake Okoboji ~~those waters listed below when it is determined through broadly based public participationthat such more stringent standards and restrictions are :osjustified~~ necessary to fully maintain water quality at existing levels .

(1) West Lake Okoboji in Dickinson County

ITEM 6. Amend subrule 61.2(2)"d" as follows:

d. The Mississippi River and the Missouri River do not meet ~~existing high quality waters~~ the criteria of 61(2)(2)"c" but nevertheless constitute waters of exceptional state and national significance. Water quality management regulatory actions

affecting them will be directed toward water quality improvement commensurate with the exceptional value of the resource.

ITEM 7. Delete the list of forty-three waterbodies from subrule 61.2(2)"f" and amend the remaining paragraph of this subrule as follows:

f. Physical and biological integrity: Water quality management regulatory actions affecting the waters designated as high-quality resource ~~waters~~ warmwater, ~~listed below~~ in subrule 61.3(5)"e", will be directed at water quality improvement commensurate with the exceptional value of the resource and at preserving and enhancing not only the chemical but also the physical and biological integrity of these waters. This involves the protection of such features of the waterbody as channel alignment, bed characteristics, water velocity, aquatic habitat, and the type, distribution and abundance of existing aquatic species.

ITEM 8. The second unnumbered paragraph of subrule 61.2(2)"g" is amended as follows:

For those waters of the state designed as ~~high quality~~ coldwater aquatic life or high quality resource warmwaters and the Mississippi and Missouri Rivers, any proposed activity that will adversely impact the existing physical, chemical or biological integrity of that water will not be consistent with Iowa's water quality standards. Mitigation will not be allowed except in highly unusual situations where no other project alternatives exist. In these cases, full mitigation must be provided by the applicant and approved by the department.

ITEM 9. Subrule 61.2(4) is rescinded entirely and replaced by the following:

61.2(4) Regulatory mixing zones. Mixing zones are recognized as being necessary for the initial assimilation of point source discharges which have received the required degree of treatment or control. Mixing zones shall not be used for, or considered as, a substitute for minimum treatment technology required by subrule 61.2(3). The objective of establishing mixing zones is to provide a means of control over the placement and emission of point source discharges so as to minimize environmental impacts. Waters within a mixing zone shall meet the general water quality criteria of subrule 61.3(2). Waters at and beyond mixing zone boundaries shall meet all applicable standards and the chronic criteria of subrule 61.3(3) Table 1 for that particular waterbody or segment. A zone of initial dilution may be established within the mixing zone beyond which the applicable standards and the acute criteria of subrule 61.3(3) will be met.

a. Due to extreme variations in wastewater and receiving water characteristics, spatial dimensions of mixing zones shall be

defined on a site specific basis. These rules are not intended to define each individual mixing zone, but will set maximum limits which will satisfy most biological, chemical, physical and radiological considerations in defining a particular mixing zone.

b. The dimensions of the mixing zone and the zone of initial dilution will be calculated using the following factors:

(1) The width of a mixing zone may not exceed the following percentages of the stream width during the four-day, three-year low stream flow as measured at the point of discharge:

i. Twenty-five percent for interior streams and rivers, and the Big Sioux and Des Moines Rivers.

ii. Ten percent for the Mississippi and Missouri Rivers.

The stream width will be measured perpendicular to the basic direction of stream flow from the edge of water from one bank to the edge of water of the opposite bank. This measurement will only include the distance of continuous water surface. The width of side channels, cutoffs or other flowage ways will not be included as the stream width.

(2) The length of the mixing zone below the point of discharge shall be set by the most restrictive of the following:

i. A distance equivalent to the product of seven times the width of the stream during the four-day, three-year low flow.

ii. The distance to the juncture of two perennial streams.

iii. The distance to a public water supply intake.

iv. The distance to the upstream limits of a heavily used recreational area.

v. The distance to the middle of a crossover point in a stream where the main current flows from one bank across to the opposite bank.

vi. The distance to another mixing zone.

3. The width and length of the zone of initial dilution may not exceed 10 percent of the width and length of the mixing zone.

c. The stream flow used in determining effluent limits to assure compliance with the mixing zone criteria may not exceed the following percentages of the four-day, three-year low stream flow as measured at the point of discharge:

(1) Twenty-five percent for interior streams and rivers, and the Big Sioux and Des Moines Rivers.

(2) Ten percent for the Mississippi and Missouri Rivers.

The stream flow used in determining effluent limits to assure compliance with the zone of initial dilution criteria may not exceed 10 percent of the calculated flow associated with the mixing zone.

d. The following exceptions apply to the mixing zone requirements:

(1) No mixing zone or zone of initial dilution will be allowed for waters designated as lakes or wetlands.

(2) No zone of initial dilution will be allowed in waters designated as cold-water.

e. Temperature changes within mixing zones established for heat dissipation will not exceed the temperature criteria in subrule 61.3(3)"b"(5).

f. The appropriateness of establishing a mixing zone where a substance discharged is bioaccumulative, persistent, carcinogenic, mutagenic, or teratogenic will be carefully evaluated. In such cases, effects such as potential groundwater contamination, sediment deposition, fish attraction, bioaccumulation in aquatic life, bioconcentration in the food chain, and known or predicted safe exposure levels shall be considered.

ITEM 10. Subrule 61.2(5) is amended as follows:

Implementation strategy. Numerical criteria specified in t~~T~~hese water quality standards shall be met ~~at all times~~ when the flow of the receiving stream equals or exceeds the ~~average seven-day~~ four-day, three-year low flow ~~which occurs once in ten years.~~ Exceptions may be made for intermittent or low flow streams~~:~~ ~~Where intermittent or low-flow streams are classified as for Class B aquatic life protection~~ significant resource warmwaters or limited resource warmwaters. For these waters, the department may waive the ~~seven-day, ten-year~~ four-day, three-year low flow requirement and establish a minimum flow in lieu thereof. Such waiver shall be granted only when it has been determined that the aquatic resources of the receiving waters are of no significance at flows less than the established minimum, and that the continued maintenance of the beneficial uses of the receiving waters will be assured. In no event will toxic conditions be allowed to occur in the receiving waters outside of mixing zones established pursuant to subrule 61.2(4). ~~of these rules.~~ The policy for granting waivers is described in the "Supporting Document for Iowa Water Quality Management Plans" (Iowa Department of Water, Air and Waste Management, Chapter IV, July 1976, as revised on October 16, 1984. (Copies are available upon request to the Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319-0034. Copy also on file with the Iowa Administrative Rules Coordinator.)

All minimum flows established under the provisions of this section will be published annually by the Department.

ITEM 11. Subrule 61.2(5)"c" is amended as follows:

c. Site specific water quality ~~standards~~ criteria may be allowed in lieu of ~~the water quality standards referenced in~~ specific numerical criteria listed in Tables 1 and 3 of this

chapter if adequate documentation is provided to show that ~~site specific~~ the proposed criteria will protect all existing or potential uses of the surface water. Site specific water quality ~~standards~~ criteria may be appropriate where:

(1) The types of organisms differ significantly from those used in setting the statewide ~~standards~~ criteria, or;

(2) The chemical characteristics of the surface water such as pH, temperature, and hardness differ significantly from the characteristics ~~of the water~~ used in setting the statewide ~~standard~~ criteria .

Development of site specific criteria shall include an evaluation of the chemical and biological characteristics of the water resource and an evaluation of the impact of the discharge. All evaluations for site specific criteria modification must be coordinated through the department, and be conducted using scientifically accepted procedures approved by the department. Any site specific criterion developed under the provisions of this subrule is subject to the review and approval of the U.S. Environmental Protection Agency. All criteria approved under the provisions of this subrule will be published periodically by the department. ~~and performed with prior consent and approval of the department using scientifically accepted procedures.~~ Guidelines for establishing site specific water quality criteria can be found in "Water Quality Standards Handbook," published by the U.S. Environmental Protection Agency, December, 1983.

ITEM 12. Renumber the existing subrule 61.3(1) as 61.3(2) and add the following language as subrule 61.3(1):

61.3(1) Surface water classification. All waters of the state are classified for protection of beneficial uses. These classified waters include General Use segments and Designated Use segments.

a. General use segments. These are intermittent watercourses and those watercourses which typically flow only for short periods of time following precipitation in the immediate locality or as a result of discharges from wastewater treatment facilities, and whose channels are normally above the water table. These waters do not support a viable aquatic community of significance during low flow, and do not maintain pooled conditions during periods of no flow.

However, during periods when sufficient flow exists in the intermittent water courses to support various uses, the General Use segments are to be protected for livestock and wildlife watering, noncontact recreation, crop irrigation, and industrial, agricultural, domestic and other incidental water withdrawal uses. The aquatic life existing within these water courses

during elevated flows will be protected from acutely toxic conditions.

b. Designated use segments. These are natural waterbodies which maintain flow throughout the year, or contain sufficient pooled areas during intermittent flow periods to maintain a viable aquatic community of significance.

Designated use waters are to be protected for all uses of general use segments in addition to the specific uses assigned. Designated use segments include:

(1) Primary contact recreation (Class "A"). Waters in which recreational or other uses may result in prolonged and intimate contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

(2) Coldwater aquatic life (Class "B(CW)"). Waters in which the temperature, flow, and other habitat characteristics are suitable for the maintenance of a wide variety of coldwater species, including nonreproducing populations of trout and associated aquatic communities.

(3) High quality resource warmwater (Class "B(HQ)"). Waters of substantial recreational or ecological significance which possess unusual, outstanding or unique physical, chemical, or biological characteristics which enhance the beneficial uses and warrant special protection.

(4) Significant resource warmwater (Class "B(WW)"). Waters in which temperature, flow and other habitat characteristics are suitable for the maintenance of a wide variety of reproducing populations of warmwater fish and associated aquatic communities, including sensitive species.

(5) Limited resource warmwater (Class "B(LR)"). Waters in which flow or other physical characteristics limit the ability of the waterbody to maintain a balanced warmwater community. Such waters support only populations composed of species able to survive and reproduce in a wide range of physical and chemical conditions, and are not generally harvested for human consumption.

(6) Lakes and wetlands (Class "B(LW)"). These are artificial and natural impoundments with hydraulic retention times and other physical and chemical characteristics suitable to maintain a balanced community normally associated with lake-like conditions.

(7) Drinking water supply (Class "C"). Waters which are used as a raw water source of potable water supply.

ITEM 13. Subrule 61.3(1) is renumbered as 61.3(2) and amended as follows:

61.3(2) General water quality criteria. The following criteria are applicable to all surface waters including ~~those which have been designated as Class "A", "B", or "C"~~ general use and designated use waters, at all places and at all times to protect livestock and wildlife watering, aquatic life, noncontact recreation, crop irrigation, and industrial, domestic, agricultural and other incidental water withdrawal uses not protected by ~~Class A, B, or C criteria in this rule~~ the specific numerical criteria of subrule 61.3(4).

a. Such waters shall be free from substances attributable to point source wastewater discharges that will settle to form sludge deposits.

b. Such waters shall be free from floating debris, oil, grease, scum and other floating materials attributable to wastewater discharges or agricultural practices in amounts sufficient to create a nuisance.

c. Such waters shall be free from materials attributable to wastewater discharges or agricultural practices producing objectionable color, odor or other aesthetically objectionable conditions.

d. Such waters shall be free from substances attributable to wastewater discharges or agricultural practices in concentrations or combinations which are acutely toxic ~~or harmful~~ to human, animal, or plant life.

e. Such waters shall be free from substances, attributable to wastewater dischargers or agricultural practices, in quantities which would produce undesirable or nuisance aquatic life.

f. The turbidity of the receiving water shall not be increased by more than 25 Nephelometric turbidity units by any point source discharge.

g. Total dissolved solids shall not exceed 750 mg/l in any lake or impoundment or in any stream with a flow rate equal to or greater than three times the flow rate of upstream point source discharges.

h. Water which enters a sinkhole or losing stream segment shall not exceed a fecal coliform count of 200 organisms/100ml, except when the waters are materially affected by surface runoff, but in no case shall fecal coliform levels downstream from a an existing discharge which may contain pathogens to humans be more than 200 organisms/100ml higher than the background level upstream from the discharge. No new wastewater discharges will be allowed on watercourses which directly or indirectly enter sinkholes or losing stream segments.

ITEM 14. Subrules 61.3(2)-(4) are rescinded and replaced by subrule 61.3(3) as follows:

61.3(3) Specific water quality criteria.

a. Class "A" waters. Waters which are designated as Class "A" in subrule 61.3(5) are to be protected for primary contact recreation. The general criteria of subrule 61.3(2) and the following specific criteria apply to all Class "A" waters.

(1) From April 1 through October 31, the fecal coliform content shall not exceed 200 organisms/100 ml, except wher the waters are materially affected by surface runoff; but in no case shall fecal coliform levels downstream from a discharge which may contain pathogens to humans be more than 200 organisms/100 ml higher than the background level upstream from the discharge.

(2) The pH shall not be less than 6.5 nor greater than 9.0. The maximum change permitted as a result of a waste discharge shall not exceed 0.5 pH units.

b. Class "B" waters. All waters which are designated as Class B(CW), B(WW), B(LR), or B(LW) are to be protected for wildlife, fish, aquatic and semiaquatic life, and secondary contact water uses. The following criteria shall apply to all Class "B" waters designated in subrule 61.3(5).

(1) Dissolved oxygen. Dissolved oxygen shall not be less than the values shown in Table 2 of this subrule.

(2) pH. The pH shall not be less than 6.5 nor greater than 9.0. The maximum change permitted as a result of a waste discharge shall not exceed 0.5 pH units.

(3) General chemical constituents. The specific numerical criteria shown in Tables 1, 2, and 3 of this subrule apply to all waters designated in subrule 61.3(5). The sole determinant of compliance with these criteria will be established by the department on a case-by-case basis. Effluent monitoring and/or in-stream monitoring will be the required approach to determine compliance.

i. The acute criteria represent the level of protection necessary to prevent acute toxicity to aquatic life. Excursions above the acute criteria will be allowed only inside the zone of initial dilution for a short-term period.

ii. The chronic criteria represent the level of protection necessary to prevent chronic toxicity to aquatic life. Excursions above the chronic criteria will be allowed only inside of mixing zones or only for short-term periods outside of mixing zones; however, these excursions cannot exceed the acute criteria shown in Tables 1 and 3. The chronic criteria will be met as short-term average conditions at all times the flow equals or exceeds either the four-day, three-year flow or any site specific low flow established under the provisions of subrule 61.2(5).

(4) The waters shall contain no substances in concentrations which will make fish or shell fish inedible due to undesirable tastes or cause a hazard to humans after consumption.

(5) Temperature.

(a) No heat shall be added to interior streams or the Big Sioux River that would cause an increase of more than 3éC. The rate of temperature change shall not exceed léC. per hour. In no case shall heat be added in excess of that amount that would raise the stream temperature above 32éC.

(b) No heat shall be added to streams designated as cold water fisheries that would cause an increase of more than 2éC. The rate of temperature change shall not exceed léC per hour. In no case shall heat be added in excess of that amount that would raise the stream temperature above 20éC.

(c) No heat shall be added to lakes and reservoirs that would cause an increase of more than 2éC. The rate of temperature change shall not exceed léC. per hour. In no case shall heat be added in excess of that amount that would raise the temperature of the lake or reservoirs above 32éC.

(d) No heat shall be added to the Missouri River that would cause an increase of more than 3éC. The rate of temperature change shall not exceed léC. per hour. In no case shall heat be added that would raise the stream temperature above 32éC.

(e) No heat shall be added to the Mississippi River that would cause an increase of more than 3éC. The rate of temperature change shall not exceed léC. per hour. In addition, the water temperature at representative locations in the Mississippi River shall not exceed the maximum limits in the below table during more than one percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the below table by more than 2éC.

Zone II--Iowa-Minnesota state line to the Northern Illinois border (Mile Point 1534.6)

Zone III--Northern Illinois border (Mile Point 1534.6) to Iowa-Missouri state line.

Month	Zone II	Zone III
January	4 degrees C	7 degrees C
February	4 degrees C	7 degrees C
March	12 degrees C	14 degrees C
April	18 degrees C	20 degrees C
May	24 degrees C	26 degrees C
June	29 degrees C	29 degrees C
July	29 degrees C	30 degrees C
August	29 degrees C	30 degrees C
September	28 degrees C	29 degrees C
October	23 degrees C	24 degrees C
November	14 degrees C	18 degrees C

December 9 degrees C 11 degrees C

c. Class "C" waters. Waters which are designated as Class "C" are to be protected as a raw water source of potable water supply. The following criteria shall apply to all Class "C" waters designated in subrule 61.3(5).

(1) Radioactive substances.

i. The combined radium-226 and radium-228 shall not exceed 5 picocuries per liter at the point of withdrawal.

ii. Gross alpha particle activity (including radium-226 but excluding radon and uranium) shall not exceed 15 picocuries per liter at the point of withdrawal.

iii. The average annual concentration at the point of withdrawal of beta particle and photon radioactivity from man-made radionuclides other than tritium and strontium-90 shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

iv. The average annual concentration of tritium shall not exceed 20,000 picocuries per liter at the point of withdrawal; the average annual concentration of strontium-90 shall not exceed 8 picocuries per liter at the point of withdrawal.

(2) All substances toxic or detrimental to humans or detrimental to treatment process shall be limited to nontoxic or nondetrimental concentrations in the surface water.

(3) The pH shall not be less than 6.5 nor greater than 9.0.

TABLE 1: Criteria For Chemical Constituents
(all values as micrograms per liter unless noted otherwise).

Parameter		Use Designations				
		B(CW)	B(WW)	B(LR)	B(LW)	C
Arsenic (III)	Chronic	200	200	1000	200	--
	Acute	360	360	1800	360	50
Barium	Acute	--	--	--	--	1000
Benzene	Acute	--	--	--	--	5
Cadmium	Chronic	1	15	25	1	--
	Acute	4	75	100	4	10
Carbon Tetra-chloride	Acute	--	--	--	--	5
Chloride	Acute	--	--	--	--	250*

Chlordane	Chronic	.004	.004	.15	.004	--
	Acute	2.5	2.5	2.5	2.5	--
Chromium (VI)	Chronic	40	40	200	10	--
	Acute	60	60	300	15	50
Copper	Chronic	20	35	55	10	--
	Acute	30	60	90	20	1000
Cyanide	Chronic	5	10	10	10	--
	Acute	20	45	45	45	20
para-Dichloro-benzene	Acute	--	--	--	--	7.5
1,2-Dichloro-ethane	Acute	--	--	--	--	5
1,1-Dichloro-ethylene	Acute	--	--	--	--	7
Fluoride	Acute	--	--	--	--	2000
Lead	Chronic	3	30	80	3	--
	Acute	80	200	750	80	50
Mercury (II)	Chronic	.05	.05	.25	.05	--
	Acute	6.5	6.5	10	2.5	2
Nitrate as NO3	Acute	--	--	--	--	45*
Nickel	Chronic	350	650	750	150	--
	Acute	3250	5800	7000	1400	--
Polychlorinated Biphenyls (PCBs)	Chronic	.014	.014	1	.014	--
	Acute	2	2	2	2	--
Polynuclear Aromatic Hydro-Carbons (PAHs)	Chronic	.03	.03	3	.03	--
	Acute	30	30	30	30	--
Phenols	Chronic	50	50	50	50	--
	Acute	1000	2500	2500	1000	50
Selenium (VI)	Chronic	10	125	125	70	--

	Acute	15	175	175	100	10
Silver	Chronic	2.5	8.5	8.5	.35	--
	Acute	30	100	100	4	50
Toluene	Chronic	50	50	150	50	--
	Acute	2500	2500	7500	2500	--
Total Residual Chlorine (TRC)	Chronic	10	20	25	10	--
	Acute	35	35	40	20	--
1,1,1-Trichloroethane	Acute	--	--	--	--	200
Trichloroethylene (TCE)	Chronic	80	80	80	80	--
	Acute	4000	4000	4000	4000	5
Vinyl Chloride	Acute	--	--	--	--	2
Zinc	Chronic	200	450	2000	100	--
	Acute	220	500	2200	110	1000

**expressed as milligrams/liter*

TABLE 2: Criteria For Dissolved Oxygen

	B(CW)	B(WW)	B(LR)	B(LW)
Minimum value for at least 16 hours of every 24-hour period	7.0	5.0	5.0	5.0*
Minimum value at any time during every 24-hour period	5.0	5.0	4.0	5.0*

**applies only to the upper layer of stratification in lakes*

TABLE 3a: Criteria For Ammonia — Coldwater Streams

Temp		pH										
		7.0	7.2	7.4	7.6	7.8	8.0	8.2	8.4	8.6	8.8	9.0
5.0	Acute	21.7	18.7	15.2	11.8	8.7	6.2	3.9	2.5	1.6	1.0	.7
	Chronic	4.3	3.7	3.0	2.4	1.7	1.2	0.8	0.5	.3	.2	.1
10.0	Acute	20.6	17.7	14.5	11.2	8.3	5.9	3.8	2.4	1.6	1.0	.7
	Chronic	4.1	3.5	2.9	2.2	1.7	1.2	0.8	0.5	.3	.2	.1

15.0	Acute	19.8	17.0	13.9	10.8	8.0	5.7	3.7	2.4	1.5	1.0	.7
	Chronic	4.0	3.4	2.8	2.2	1.6	1.1	0.7	0.5	.3	.2	.1
20.0	Acute	19.3	16.6	13.6	10.6	7.9	5.6	3.6	2.4	1.5	1.0	.7
	Chronic	3.9	3.3	2.7	2.1	1.6	1.1	0.7	0.5	.3	.2	1
25.0	Acute	13.5	11.6	9.5	7.4	5.5	4.0	2.6	1.7	1.2	.8	.6
	Chronic	2.7	2.3	1.9	1.5	1.1	0.8	0.5	0.3	.2	.2	.1
30.0	Acute	9.6	8.2	6.8	5.3	4.0	2.9	1.9	1.3	.9	.6	.5
	Chronic	1.9	1.6	1.4	1.1	0.8	0.6	0.4	0.3	.2	.1	.1

TABLE 3b: Criteria For Ammonia -- Warmwater Streams and Lakes

Temp		pH										
		7.0	7.2	7.4	7.6	7.8	8.0	8.2	8.4	8.6	8.8	9.0
5.0	Acute	37.4	32.1	26.2	20.3	15.0	10.6	6.8	4.3	2.8	1.8	1.2
	Chronic	7.5	6.4	5.2	4.1	3.0	2.1	1.4	0.9	.6	.4	.2
10.0	Acute	35.5	30.5	24.9	19.3	14.3	10.1	6.5	4.1	2.7	1.8	1.2
	Chronic	7.1	6.1	5.0	3.9	2.9	2.0	1.3	0.8	.5	.4	.2
15.0	Acute	34.1	29.3	24.0	18.6	13.8	9.8	6.3	4.1	2.7	1.8	1.2
	Chronic	6.8	5.9	4.8	3.7	2.8	2.0	1.3	0.8	.5	.4	.2
20.0	Acute	33.3	28.6	23.4	18.2	13.5	9.7	6.2	4.1	2.7	1.8	1.2
	Chronic	6.7	5.7	4.7	3.6	2.7	1.9	1.2	0.8	.5	.4	.2
25.0	Acute	32.9	28.3	23.2	18.1	13.5	9.7	6.3	4.2	2.7	1.8	1.2
	Chronic	6.6	5.7	4.6	3.6	2.7	1.9	1.3	0.8	.5	.4	.2
30.0	Acute	16.5	14.2	11.7	9.1	6.8	5.0	3.3	2.2	1.5	1.1	.8
	Chronic	3.3	2.8	2.3	1.8	1.4	1.0	0.7	0.4	.3	.2	.2

TABLE 3c: Criteria For Ammonia -- Limited Resource Streams

Temp		pH										
		7.0	7.2	7.4	7.6	7.8	8.0	8.2	8.4	8.6	8.8	9.0
5.0	Acute	54.6	46.8	38.2	29.6	21.9	15.5	9.9	6.3	4.0	2.6	1.7
	Chronic	10.9	9.4	7.6	5.9	4.4	3.1	2.0	1.3	.8	.5	.3
10.0	Acute	51.8	44.4	36.3	28.2	20.8	14.8	9.4	6.1	3.9	2.6	1.7
	Chronic	10.4	8.9	7.3	5.6	4.2	3.0	1.9	1.2	.8	.5	.3

15.0	Acute	49.8	42.8	35.0	27.2	20.1	14.3	9.2	5.9	3.9	2.6	1.8
	Chronic	10.0	8.6	7.0	5.4	4.0	2.9	1.8	1.2	.8	.5	.4
20.0	Acute	48.6	41.7	34.2	26.6	19.7	14.1	9.1	6.0	4.0	2.7	1.9
	Chronic	9.7	8.3	6.8	5.3	3.9	2.8	1.8	1.2	.8	.5	.4
25.0	Acute	48.0	41.3	33.8	26.4	19.7	14.2	9.2	6.1	4.0	2.7	1.9
	Chronic	9.6	8.3	6.8	5.3	3.9	2.8	1.8	1.2	.8	.5	.4
30.0	Acute	24.1	20.7	17.0	13.3	10.0	7.2	4.8	3.2	2.2	1.6	1.2
	Chronic	4.8	4.1	3.4	2.7	2.0	1.4	1.0	0.6	.4	.3	.2

s/Larry J. Wilson

Larry J. WIlson, Director

Mr. Stokes stated that in 1986 amendments to the Clean Water Act, Congress added requirements that we look at the issue of toxics. He added that the revisions being looked at today are a two phased effort as follows: 1) to modify certain criteria, values, and narrative sections as contained in the current rules that address our water quality standards; and 2) to review each stream in its current designation as to whether it is properly classified. He further explained details of the proposed rules.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapters 60 and 61, Water Quality Standards. Seconded by Catherine Dunn. Motion carried unanimously.

EMERGENCY ADOPTED RULE--CHAPTER 92, STATE REVOLVING FUND

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Emergency adoption of proposed rules for implementation of the State Revolving Fund (SRF) is recommended. Adoption of the rules will allow development of the State's Intended Use Plan and a

grant application for Congressional appropriations already made for fiscal year 1989.

Chapter 92
State Revolving Fund Loans For Wastewater Treatment

567--92.1 (455B) Statutory authority. The authority for the Iowa Department of Natural Resources to provide loans to eligible applicants to assist in the construction of wastewater treatment facilities is provided by Iowa Code section 455B.294.

567--92.2 (455B) Scope of title. The department has jurisdiction over the surface and groundwater of the state to prevent, abate and control pollution. As a part of that general responsibility, the department and the authority are jointly delegated the administration of the State Revolving Fund (SRF) loan program to assist in water pollution abatement projects pursuant to the Clean Water Act. A project must comply with the rules of this chapter to be eligible for an SRF loan. This chapter provides for the general rules of practice for the department's administration of the program, including the criteria for loan eligibility, and the general project and program administration rules.

567--92.3 (455B) Definitions. The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

92.3(1) "Applicable interest rate" means the interest rate applied to each individual loan as determined by the Director and in accordance with any agreement with the Iowa Finance Authority.

92.3(2) "Authority" means the Iowa Finance Authority (IFA) as established by the Iowa Code Chapter 220.

92.3(3) "Clean Water Act" means the Federal Water Pollution Control Act of 1972, PL 92-500 as amended by the Water Quality Act of 1987, PL 100-4 as published in 33 U.S.C. 1251-1376.

92.3(4) "Commission" means the Iowa Department of Natural Resources Environmental Protection Commission of the state of Iowa.

92.3(5) "Department" means the Iowa Department of Natural Resources (DNR).

92.3(6) "Eligible cost" means the cost of all labor, material, machinery, equipment, loan initiation and service fees, design and construction engineering services incurred after the date of approval of a loan, legal fees and expenses related to the project, capitalized interest during construction of the project, and all other expansion, construction and rehabilitation of all or part of a project.

92.3(7) "Eligible recipient" means a municipality (as defined below) that meets the following criteria:

a. Appears on the State Project Priority List.

b. Has submitted a complete application for a project with eligible costs.

c. Will be in a state of readiness to proceed to construction and use loan payments timely.

d. Has been included on the state's Intended Use Plan as a proposed loan recipient.

92.3(8) "Director" means the Director of the Iowa Department of Natural Resources.

92.3(9) "Fiscal year" means the federal fiscal year starting October 1 and ending September 30.

92.3(10) "Intended Use Plan" means a plan identifying the intended uses of funds available for loans in the SRF for each fiscal year as described in Section 606(c) of the Clean Water Act.

92.3(11) "Municipality" means the city, county, sanitary district, or other governmental corporation or body empowered to provide sewage collection and treatment services, or any combination of the two or more of such governmental bodies, or corporations acting jointly, in connection with a project.

92.3(12) "Project" means the acquisition, construction, reconstruction, extension, equipping, improvement, or rehabilitation of any works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner including treatment works as defined in section 212 of the Clean Water Act, or the implementation and development of management programs established under sections 319 and 320 of the Clean Water Act. The term also applies to a separate segment or phase of a segmented or phased project.

92.3(13) "Project completion" means the date operations of the project are initiated or are capable of being initiated, whichever is earlier.

92.3(14) "State Project Priority List (PPL)" means the list of projects in priority order that may qualify for SRF loan assistance. The list is developed in accordance with Chapter 91.

92.3(15) "State Revolving Fund (SRF)" means the sewage treatment works revolving loan fund established in section 455B.295.

567--92.4 (455B) General policy. Loans up to 100% of the eligible costs will be made available pursuant to the requirements of these rules and Title VI of the Clean Water Act. Loans are available for construction only and will not be

considered for planning activities as well as other costs identified as unallowable for loan assistance in section 92.8(2).

92.4(1) Administration. The department, in conjunction with the authority, has been delegated the responsibility of administering the SRF program. The Director will coordinate with the authority under the terms of an interagency agreement entered pursuant to Chapter 28E of the Iowa Code.

92.4(2) Decisions.

a. Departmental staff decisions in administering the SRF loan program shall conform to generally accepted principles and standards of good practice. Guidance shall include, but not be limited to:

1. 40 CFR, Parts 31 and 35
2. Applicable state laws, rules, and court decisions
3. Guidance available from the EPA
4. Any applicable federal regulations

b. Decisions of department staff are final unless the recipient files a written petition for review with the Director. The petition must be addressed to the Director and clearly state the decision in question and the basis for the requested review. The recipient has the right to appeal a decision to the Commission pursuant to Chapter 17A of the IAC or to the state court.

92.4(3) First use of funds. All funds in the SRF fund as a result of capitalization grants under Title VI of the Clean Water Act will be first used to assure maintenance of progress toward compliance with enforceable deadlines, goals, and requirements of the Clean Water Act, including the municipal compliance deadline as provided by the Clean Water Act. Progress toward compliance with the Clean Water Act is considered to be the operation of a wastewater treatment facility that meets effluent limitations required in an NPDES permit or having an enforcement action either filed or in place which requires the facility to meet permit limits or having a funding commitment prior to the end of the first year covered by the Intended Use Plan. The department will identify any municipalities that will qualify for this "first use" requirement in the Intended Use Plan.

92.4(4) Minimum/maximum loans. The minimum loan amount which will be considered is $50,000. The maximum amount loaned to any municipality shall not exceed 60% of the available loan funds in the SRF attributable to any fiscal year.

92.4(5) Phased projects. Loan funds for future portions of phased or segmented projects cannot be assured. Partial or phased funding for a project may be made on a case-by-case basis with no assurance of future funding. Loans made for separate phases or segments of a project will be administered separately.

92.4(6) Eligible recipient determination. Municipalities projected to be able to qualify for SRF assistance will be identified in an annual Intended Use Plan. Only those projects on the current fiscal year State Project Priority List developed pursuant to Chapter 91 may be considered as an eligible recipient. SRF assistance will be available to projects in priority order with first consideration given to the "first use" criteria of section 92.4(3).

92.4(7) State capitalization grant. The Clean Water Act authorizes the Environmental Protection Agency (EPA) to offer capitalization grants to states for use in a revolving fund loan program through fiscal year 1994. All wastewater treatment projects defined in section 212 of the Clean Water Act which receive loan assistance from the fund before fiscal year 1995 will meet the requirements of section 201(b), 201(g)(1), 201(g)(2), 201(g)(3), 201(g)(5), 201(g)(6), 201(n)(1), 201(o), 204(a)(1), 204(a)(2), 204(b)(1), 204(d)(2), 211, 218, 511(c)(1), and 513 of the Clean Water Act, as described in 92.10 of this chapter. A portion of the capitalization grant, as allowed by Title VI of the Clean Water Act, will be used to administer the SRF program.

92.4(8) Loan commitments. Loan agreements will be binding commitments based on estimated eligible costs prior to construction. A final adjustment to a loan amount may be made upon completion of construction.

92.4(9) Loan adjustments. Loans will be made to eligible recipients as soon as possible after monies are available. The SRF will be managed such that contingency monies are available in loans to allow for final adjustments in allowable costs as approved by the Director. If eligible costs exceed the loan amount, the recipient may request an increase. The Director in coordination with the authority will evaluate the request considering available monies in the fund as well as the financial risk to determine the appropriate action, including renegotiation of the loan. Should costs be less than the loan amount, the loan shall be adjusted.

92.4(10) Double benefits. Projects that have received a federal construction grant under provisions of the Clean Water Act are not eligible to receive a loan for the nonfederal share of the project.

567--92.5 (455B) Application procedures.

92.5(1) Forms. The department will provide an application package to apply for SRF loan assistance and to provide documentation in the program. Forms can be obtained from the Environmental Protection Division, Iowa Department of Natural

Resources, Henry A. Wallace Building, 900 E. Grand, Des Moines, Iowa 50319-0034.

92.5(2) General requirements. The following items in addition to the requirements of 92.5(1) must be included in a complete SRF loan application:

a. Two copies of the planning report certified by a professional engineer registered to practice in Iowa;

b. Two copies of project plans and specifications certified by a professional engineer registered to practice in Iowa;

c. A schedule for submission of an operation and maintenance manual and plan of operation;

d. A user charge system;

e. A project construction schedule and cash flow projection including the acquisition of necessary land;

f. A summary of all financial arrangements necessary to fund the project; and

g. A description of a dedicated revenue source for loan repayments.

92.5(3) Timing. In preparing the IUP for fiscal year 1989 loan funds, the Director may consider potential applicants he considers capable of submitting applications within the time necessary to effectively utilize SRF funds provided by the initial capitalization grant. To be considered for loan assistance during subsequent fiscal years, applications must be received by the department on or before July 1 preceding the fiscal year.

567--92.6 (455B) Intended Use Plan.

92.6(1) Development. The Director shall prepare an Intended Use Plan (IUP) each year. The IUP will be subjected to a public hearing and approved by the Commission.

92.6(2) Contents. The IUP will identify the anticipated uses of loan funds available for that fiscal year and will include the following:

a. A list of projects from the State Project Priority List that are eligible for SRF loans and any proposed activities eligible for assistance under 319 and 320 of the Clean Water Act. The list will include the name of the eligible recipient, any applicable NPDES permit number, the projected amount of loan assistance, schedule of estimated disbursement of funds and preliminary identification of projects that may undergo an environmental impact statement. The department will consider the following in developing the list of eligible recipients for the Intended Use Plan:

(1) The list will first include in priority order any unfunded "first use" projects addressed in section 92.4(3).

(2) Applications on file.
(3) Whether a project will be ready to proceed on a schedule consistent with time requirements for outlays of funds.
(4) Whether the proposed project addresses the need upon which the municipality's priority is based.
(5) Applicant's financial capability to service the loan, provide operation and maintenance, provide replacement and debt service reserves.
(6) Applicant's statement of willingness to accept all loan terms and conditions.
b. Discussion of the long- and short-term goals of the SRF.
c. Information on the types of activities to be supported by the SRF.
d. Assurances and specific proposals on how the state intends to meet requirements of the following sections of the Clean Water Act:
(1) 602(a) Environmental reviews.
(2) 602(b)(3) The state will agree to enter binding commitments equal to at least 120% of each quarterly federal capitalization grant payment within one year after receipt.
(3) 602(b)(4) Certify that expenditure of all funds in the SRF will be done in an expeditious and timely manner.
(4) 602(b)(5) All SRF funds will be first used toward compliance with the enforceable requirements of the Clean Water Act including the municipal compliance deadline of July 1, 1988.
(5) 602(b)(6) All wastewater treatment projects defined in section 212 of the Clean Water Act which receive loan funds will meet the requirements of Sections 201(b), 201(g)(1), 201(g)(2), 201(g)(3), 201(g)(5), 201(g)(6), 201(n)(1), 201(o), 204(a)(1), 204(a)(2), 204(b)(1), 204(d)(2), 211, 218, 511(c)(1), and 513 of the Clean Water Act.
(6) Contingency list. The IUP will list those projects that are fundable in a fiscal year. In addition, a contingency list will also be included. These projects could become fundable in accordance with the procedures found in section 92.8(7) should a fundable project not proceed in a timely manner.
e. The method by which the IUP may be amended.

567--92.7 (455B) Loan and project initiation.
92.7(1) Loan and project initiation conference. Each eligible recipient shall schedule loan initiation conference with the department. The eligible recipient's official representative (and usually their consultant) will meet with the department to discuss:
a. SRF Loan Program policies, procedures, and guidelines.
b. Allowable costs.

c. Treatment technologies.
d. Environmental impacts and review considerations.
e. Public participation.
f. Scheduling.
g. Other information as needed.

92.7(2) Review criteria. The Director shall review SRF loan applications for eligible recipients and verify the following items:

a. The project is on the State Project Priority List.
b. The applicant has prepared and received approval of an adequate facility plan report.
c. The project will be in conformance with any applicable area-wide water quality management plans.
d. The applicant has or will adopt an acceptable user charge system.
e. The applicant has demonstrated its ability to provide the necessary legal, institutional, managerial and financial capability to complete the project.
f. The applicant has provided an acceptable project schedule for project initiation and completion.
g. The applicant's ability to repay the loan is consistent with the department's requirements after consultation with the authority.

92.7(3) Loan denial. The Director shall inform the applicant in writing the reason for denial and return any application not in substantial compliance with these rules.

567--92.8 (455B) General administrative requirements.

92.8(1) Loan agreement conditions. The Director in coordination with the authority will prepare a loan agreement when the application has been determined to be in compliance with the requirements of the Clean Water Act and applicable state rules for SRF funding. The loan agreement to be executed by the applicant and the department shall be a binding commitment under Iowa law, shall include conditions and terms to be effective for the loan period, and shall be accompanied by evidence of legality and tax exempt status satisfactory to the Director.

92.8(2) Allowable and unallowable costs. Allowable costs shall be limited to those eligible costs deemed necessary, reasonable, and directly related to the efficient completion of the project. Generally, the Director will determine project costs eligible for loan assistance in accordance with state rule 567--91.6 (455B). Land purchase, easement or rights-of-way costs are not eligible. In addition to those identified in Chapter 91, unallowable costs include the following:

a. Cost of the nonfederal share of any project funded by an EPA grant under the provisions of the Clean Water Act.
b. Costs of planning and design phases of the project incurred prior to the date of approval of a loan.
c. Cost of service lines and in-house plumbing.
d. Administrative costs of the recipient.
e. Vehicles and tools.

92.8(3) Records requirements. The recipient shall maintain adequate records that document all costs associated with the project. Monies from the SRF and those contributed by the recipient shall be accounted for separately. Accounting procedures shall conform with generally accepted government accounting standards as defined by the U.S. General Accounting Office (GAO) publication "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions," dated May, 1988. All records shall be preserved and made available to the department, the authority, State Auditor, and the Office of the Inspector General of the EPA for at least three years from the date of the final loan payment.

92.8(4) Audit and inspection. The recipient shall provide access at all times for the department, the authority, State Auditor, and U.S. EPA Office of Inspector General to all project records and documents for inspection and audit purposes for a period of three years after the date of last loan payment. The same access to the project site(s) shall be provided for inspection purposes.

92.8(5) Crosscutting laws. Other federal and state statutes and programs may affect an SRF project. Loan agreements will include an assurance that a recipient will comply with all applicable federal and state requirements.

92.8(6) Construction payment schedules. The recipient must submit a construction drawdown schedule to the department prior to the award of contracts.

92.8(7) Project bypass. Any project identified in the Intended Use Plan for funding in a fiscal year that has not signed a binding commitment by August 31 of the fiscal year will be bypassed by projects of a lower priority that are in a state of readiness.

92.8(8) Termination. The Director shall have the right to terminate any loan when terms of the agreement have been violated or project activities are not progressing in a satisfactory manner. Loans will be terminated if construction has not begun within one year of the execution of a loan agreement. The Director in coordination with the authority will establish a repayment schedule for funds already loaned to the recipient. All terminations must be in writing.

567--92.9 (455B) Loan payment requirements.

92.9(1) Interim payments.

a. General. Payments will be made to the recipient for actual costs incurred. Interim payment requests can be made monthly using forms furnished by the department with adequate documentation to assure that the costs are allowable. Interim payment requests shall be certified by the recipient that costs incurred reflect the value of work in place and materials and equipment on hand. Documentation should include evidence costs are incurred but need not include evidence of payment by the loan recipient. Interim payments will be made in accordance with the loan agreement.

b. Retainage. The department will retain loan payments to the extent that progress payments to the contractor from the recipient are withheld according to state law.

c. Overpayment. Any funds paid to the recipient that are not expended after the project is complete shall be repaid to the SRF after the loan is adjusted.

92.9(2) Final payment. Final payment to the recipient can be made following the final inspection and acceptance by the recipient and the department, and the following have been reviewed and approved:

a. A request for final payment from the recipient.

b. Certification by the recipient of project completion and acceptance by the recipient or an acceptable close-out settlement for projects that have encountered a dispute.

c. Certification by the recipient that labor standard provisions have been met.

d. An acceptable operation and maintenance manual, if applicable.

e. Recap of all engineering, legal, administrative, and all other allowable and unallowable expenses.

f. Final project budget showing all funding sources utilized by budget categories.

g. Execution of a loan agreement adjustment based on final costs.

567--92.10 (455B) Project requirements. The following requirements apply to all wastewater treatment projects defined in section 212 of the Clean Water Act receiving assistance from the SRF. They are identified here with references to sections of the Clean Water Act and federal regulations, where appropriate.

92.10(1) Planning. The planning phase of a project include those necessary plans and studies which directly relate to facilities needed to comply with enforceable requirements of the

Clean Water Act and state statutes. It consists of a systematic evaluation of alternatives that are feasible considering the unique demographic, topographic, hydrologic, and institutional characteristics of the planning area. Facilities planning will determine which alternative is cost-effective.

The planning phase must include the following:

a. A description of the proposed project and the complete system of which it is a part.

b. Best practicable waste treatment technology - section 201(b), requires that projects apply best practicable waste treatment technology (see 40 CFR 35.2005(b)(7): Definition of BPWTT, 40 CFR 35.2030(b)(2): Facilities Planning).

c. Alternative waste management techniques - section 201(g)(2) requires that alternative technologies be considered in project design (40 CFR 35.2030: Facilities Planning).

d. Infiltration/inflow - section 201(g)(3) requires the applicant to show that the related sewer collection system is not subject to excessive infiltration (40 CFR 35.2030(b)(4): Facilities Planning, 40 CFR 35.2120: Infiltration/Inflow).

e. Innovative/alternative technology - section 201(g)(5) requires that applicants study innovative and alternative treatment technologies and take into account opportunities to construct revenue producing facilities and to make more efficient uses of energy and resources (40 CFR 35.2030: Facilities Planning).

f. Recreation and open space opportunities - section 201(g)(6) requires that the applicant analyze the potential recreation and open space opportunities in the planning of the proposed facilities (40 CFR 35.2030(b)(5): Facilities Planning).

g. Water quality management planning - section 204(a)(1) and (2) (Two statutory references) requires that treatment works projects be included in any plans developed under Sections 205(j), 208, 303(e), 319 and 320 (40 CFR 35.2102: Water Quality Management Plans).

h. Environmental review . Loan recipients will conduct environmental review of projects using construction grants procedures in 40 CFR Part 6 as a part of facility planning. The potential applicant should work with the department as early as possible in the facilities planning process to determine if the project qualifies for a categorical exclusion from 40 CFR Part 6 requirements, or whether a finding of no significant impact or an environmental impact statement is required. In conjunction with the facility planning process as described in 40 CFR 35.2030(c) July 1, 1987 edition, a potential applicant may request formal determination under 40 CFR Part 6. All of 40 CFR Part 6, July 1, 1987 edition, pertaining to Procedures for Implementing the

Requirements of the Council on Environmental Quality on the National Environmental Policy Act, is hereby adopted and incorporated herein. However, all references to the U.S. Environmental Protection Agency as performing acts or reviews shall be substituted with the department for the purposes of this chapter.

92.10(2) Project design and construction. The project design and construction phase must include the following items:

a. Value engineering - section 218 assures that treatment systems are cost-effective and requires that projects of over $10 million include a value engineering review (40 CFR 35.2030(b)(3). The value engineering review must be conducted before the project design nears substantial completion.

b. User charge system - section 204(b)(1) requires that a system of user charges be developed and enacted to assure that users will pay their proportionate share of the costs of operation and maintenance (including replacement) of any waste treatment services provided by the recipient. A user charge system may also include methods of revenue collection for loan repayments.

c. Recipient capability . The recipient must demonstrate to the department that it has the legal, institutional, managerial and financial capability to ensure adequate construction, operation and maintenance of treatment works, as required by section 204(b)(1) of the Clean Water Act.

d. Davis-Bacon Act - section 513 applies Davis-Bacon labor wage provisions to treatment works construction (see 29 CFR Part 5). Wages paid for the construction of treatment works must conform to the prevailing wage rates established for the locality by the U.S. Department of Labor under the Davis-Bacon Act (section 513, applies 40 U.S.C. 276 et. seq.).

e. Project performance certification . The recipient shall confer with the department and a date for project works in operation shall be determined. One year after the project has been (or is capable of being) placed into operation, the recipient must certify to the department whether or not the project meets design specifications and effluent limitations. If, for any reason, the recipient is not able to certify affirmatively on the due date, a report outlining timely corrective measures must be submitted in lieu of certification.

f. Minority Business Enterprise/Women's Business Enterprise (MBE/WBE). The recipient must comply with requirements of MBE/WBE participation as found in 40 CFR 31.36(e) March 11, 1988. The Director will negotiate with the EPA Regional Administrator to determine the overall "fair share" objective for SRF loan-assisted projects. The recipient shall take the following

affirmative steps to assure that small, minority, and women's business enterprises are utilized where possible as sources of supplies, construction, and services:

(1) Placing qualified small, minority, and women's business enterprises on solicitation lists;

(2) Assuring that small, minority, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small, minority, and women's business enterprises;

(4) Establishing delivery schedules, where requirements of the work permit, which encourage participation by small, minority, and women's business enterprises;

(5) Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce; and

(6) Requiring prime contractors to take the affirmative steps listed above when awarding subcontracts.

g. Site . When real property is necessary to be acquired as part of the project and within the project period, the recipient shall submit documentation of the acquisition, including the legal description, the date the property was acquired, and an appraisal report by a qualified appraiser. Submittal to the department shall occur prior to contract award.

h. Project changes . The recipient must submit to the department prior to final loan payment all modifications to the project including changes to the plans and specifications and changes in the contract (change orders) for approval. The recipient is responsible for any costs or actions necessary should the changes be implemented prior to departmental review and subsequently found to be unapprovable.

i. State inspections . Personnel of the department shall have the right to examine all construction aspects of the project, including materials and equipment delivered and stored on site for use on the project.

92.10(3) Qualifying requirements. The Clean Water Act includes several conditions not identified in any particular phase of a project but which are basic qualifying factors necessary to qualify any project for SRF assistance. These consist of the following:

a. Fundable categories, as defined in I.A.C. 567--91.6 (2), including:

(1) Treatment - section 201(g)(1) limits assistance to projects for secondary treatment, advanced treatment, or any cost-effective alternative, new interceptors and appurtenances, and infiltration - inflow correction. This section retains the

Governor's discretionary set-aside by which a state can use up to 20 percent of its allotment for other projects within the definition of treatment works in section 212(2), and for certain non-point source control and groundwater protection purposes, as defined in section 319 of the Clean Water Act and subsequent agency regulations (40 CFR 35.2015(b)(2)(ii-iv): State Priority System and Project Priority List).

(2) Sewers - Governor's Discretionary Fund - section 211 provides that major rehabilitation or replacement of collectors is not eligible under the Governor's 20 percent discretionary authority of 201(g)(1) unless the collector is needed to assure the total integrity of the treatment works, or that, for a new collector, adequate capacity exists at the facilities (40 CFR 35.2116 Collection System).

(3) Combined sewer overflows - section 201(n)(1) provides that funds under section 205 may be used for water quality problems due to discharges of combined sewer overflows which are not otherwise eligible, if such discharges are a major priority in a state (40 CFR 35.2015(b)(2)(iv): State Priority Systems - categories of need and 35.2024(a): Combined Sewer Overflows).

b. Capital financing plans. Section 201(o) calls on the state to assist eligible recipients in the development of a capital financing plan which, at a minimum:

(1) Projects the future requirements for waste treatment services within the applicant's jurisdiction for a period of no less than ten years;

(2) Projects the nature, extent, timing, and costs of future expansion and reconstruction of treatment works which will be necessary to satisfy the applicant's projected future requirements for waste treatment services; and

(3) Sets forth with specificity the manner in which the applicant intends to finance such future expansion and reconstruction.

The recipient must submit the plan to the department for any comments deemed necessary.

92.10(4) Other.

a. Cost information. Cost estimates for the total project and costs allowable for loan financing shall be provided to the department by an eligible recipient.

b. NPDES compliance. To qualify for an SRF loan, a recipient must demonstrate to the satisfaction of the Director that the project receiving loan assistance is a part of the recipient's overall plan that addresses all wastewater treatment needs and that describes how compliance with NPDES permit limitations will be achieved and maintained.

567--92.11 (455B) Loan agreement and repayment policy.

92.11(1) Loan policy. The prime purpose of SRF loan assistance is for construction of facilities necessary to solve existing pollution problems. Municipalities must qualify for placement on the State Project Priority List according to Chapter 91.

92.11(2) Loan terms and conditions. Loan terms shall include, but not be limited to, the following:

a. Purpose of payments. The recipient shall use the proceeds of the SRF loan solely for the purpose of funding the project. Timely disbursements from the loan shall be made to contractors.

b. Costs. All costs must be documented to the satisfaction of the Director before proceeds can be disbursed. Records should be maintained in accordance with 92.8(3).

c. Applicable interest rate. For each pool there shall be a single below-market interest rate applicable to all recipients, determined according to the following formula:

Applicable interest rate = A-B, where A is the rate of interest payable (including credit enhancement costs) on the bonds issued to provide the State portion of funds to be loaned to a pool of borrowers for an annual or other period; and B is the lesser of 0.3 times A or 2.0 percent of interest. The interest rate will be based on the true interest cost method and will be rounded upward to the nearest one-hundredth of one percent. In the event the aforementioned bonds bear interest at a variable or floating rate of interest, A shall be equal to the rate set forth in the 20 G.O. Bond Buyer Index in effect the date the bonds are delivered.

d. Repayment. The maximum repayment period allowed is 20 years. Principal repayments will commence not later than one year after project completion, generally on a level debt service schedule. Adjustments of maturities may be granted to enable a recipient to conform its loan terms to its existing debt obligations, but the average principal maturity of the loan shall not be longer than the average principal maturity of the loan would be if it were determined on a level debt service basis. Principal payments will be made annually and interest payments will be made semi-annually on a schedule determined by the Director which is consistent with these rules and financing requirements applicable to the SRF.

e. Security. The loan shall be secured by a first lien upon the dedicated source of repayment which may rank on a parity basis with other obligations.

The dedicated source of repayment is expected to be the net revenues of the municipal sewage utility plant and the system of

the recipient, but may also include a general obligation secured by the levy of debt service taxes or its equivalent.

f. Loan initiation fee. A fee of 1.0 percent of the amount of the loan will be payable on the date the loan agreement is entered.

g. Annual loan servicing fee. A fee of 0.05 percent of the loan principal will be due at the time of each annual loan repayment.

h. Provision for adjustment of the loan amount based on final costs at completion of construction.

i. Applicable laws. The recipient shall agree to comply with all applicable laws, rules, and regulations of the department, the authority, or other state, federal and local jurisdictions concerning the financing, construction, operation, maintenance, and use of the wastewater facilities.

j. Delinquency provisions. Failure of the recipient to repay the loan in accordance with the schedule contained in the loan agreements will result in the loan being declared in default. Should a loan be declared in default, the Director shall take legal action to collect amounts past due. Also, other state agencies will be notified and actions will be taken to preclude the recipient from receiving other grant or financial assistance from them until such time that all delinquent payments have been recovered.

92.11(3) Financial requirements.

a. Dedicated repayment source. The recipient shall establish sufficient revenue sources that are acceptable to the Director for the repayment of the loan.

b. Project accounts. The recipient shall maintain separate financial records according to generally accepted government accounting standards for construction cost accounting, operating revenue and for loan repayments.

c. Audit. The authority or an independent firm acceptable to the authority may conduct an audit on all projects assisted by SRF loan funds to establish conformance with loan terms and conditions and the requirements of the Clean Water Act. Audit authority includes access to all files and documents associated with the project.

d. Increase revenues. To ensure repayment of obligations according to the terms of the loan agreement, the recipient shall agree to impose, collect, and increase, if necessary, user charges, taxes, or other dedicated revenue sources identified for the loan repayment. In case of loan default, the state shall have authority to require revenue adjustment to collect delinquent loan payments.

Date

Larry J. Wilson, Director

Mr. Stokes explained that if the department proceeds through the normal rulemaking process it will take 90 to 120 days to get the rules in place, and loans would not be able to be made until next summer. Staff cannot develop an Intended Use Plan without these rules. He added that emergency adoption is needed so a draft Intended Use Plan can be developed and brought before the Commission at the October meeting, with finalization in December. This would allow the department to apply for a capitalization grant with the federal government in December.

Mr. Stokes pointed out the differences between the proposed rules and the previous draft rules.

Discussion followed regarding various details of the rules.

Motion was made by Catherine Dunn to approve Emergency Adopted Rule--Chapter 92, State Revolving Fund. Seconded by Gary Priebe. Motion carried unanimously.

FINAL RULE--CHAPTER 39, REQUIREMENTS FOR PROPERLY PLUGGING ABANDONED WELLS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Chapter 39: Requirements for Properly Plugging Abandoned Wells

This Department requests Commission approval of the proposed new Chapter 39 rules relating to properly plugging abandoned wells.

Three public hearings on the proposed new chapter of the rules were held in Cedar Rapids, Denison and Des Moines on May 12, May 13, and May 16, 1988; and written and oral comments were received

through May 23, 1988, seven days after the date of the final hearing. The notice was published on April 20, 1988.

There were a total of nine attendees at the three hearings. Oral comments were made by only two of the attendees at the hearings, and both of these commentors also submitted their presentations in written comments. A total of thirty-five written comments were received from thirteen commentors on fifteen separate topics. The written comments are grouped under twenty-four headings and addressed in the public participation responsiveness summary, copies of which are being made available to all commission members and were sent to all hearing attendees and to those who submitted written comments.

A number of minor changes were made for clarification as a result of the comments; these did not change the sense, intent or requirements of the rules.

Substantive changes included the following:

Subrule 39.5(2) provides that Category I wells must be properly plugged by July 1, 1989, rather than six months after the effective date of this rule.

Paragraph 39.7(2)"c" requires the services of a registered well driller to plug a sandpoint well only if the sandpoint and casing cannot be extracted.

Rule 39.8(455B) limits the disinfection requirements for standby wells. Disinfection is required prior to taking a well out of use for an extended period and when a well is placed back in service after a prolonged period of disuse.

In compliance with the request of the Administrative Rules Review Committee, an Economic Impact Statement was published in the August 10, 1988 Iowa Administrative Bulletin. Copies will be made available to all commission members.

ENVIRONMENTAL PROTECTION COMMISSION (567)
Adopted and Filed

Pursuant to the authority of 1987 Iowa Code Supplement section 455B.190, the Environmental Protection Commission has adopted a new Chapter 39, "Requirements for Properly Plugging Abandoned Wells."

E88Sep-86

1987 Iowa Code Supplement section 455B.190 requires that all abandoned wells be properly plugged in accordance with a closure program implemented by the Department of Natural Resources. Accordingly, the adopted rules establish a time schedule for plugging various types of abandoned wells; set forth proper procedures and materials to be employed; and require certification of each plugged well by completing a new form entitled, "Abandoned Water Well Plugging Record."

Notice of Intended Action was published in the April 20, 1988 Iowa Administrative Bulletin as ARC 8658. Thirty-seven oral and written comments were received during the comment period and at three public hearings.

Significant changes from the Notice of Intended Action are as follows:

Subrule 39.5(2) provides that Category I wells must be properly plugged by July 1, 1990.

Paragraph 39.7(2)"c" requires the services of a registered well contractor to plug a sandpoint well only if the sandpoint and casing cannot be extracted.

Rule 39.8(455B) limits the disinfection requirement for standby wells. Disinfection is required prior to taking a well out of use for an extended period and when a well is placed back in service after a prolonged period of disuse.

These rules were adopted by the Environmental Protection Commission at its September 20, 1988 meeting and will become effective on November 23, 1988.

These rules are intended to implement 1987 Iowa Code Supplement section 455B.190.

ITEM 1. Create a new Chapter 39 as follows:

Chapter 39
Requirements For Properly Plugging Abandoned Wells

567--39.1(455B) Purpose. The purpose of this chapter is to implement 1987 Iowa Code supplement section 455B.190 by providing a schedule and required procedures for the proper plugging of abandoned wells.

567--39.2(455B) Applicability. These rules govern the proper plugging of all abandoned wells. For additional guidance and background information, refer to "Guidelines for Plugging Abandoned Water Wells," Technical Information Series 15, Geological Survey Bureau, Iowa Department of Natural Resources, 1987.

567--39.3(455B) Definitions.

"Abandoned well" means a water well which is no longer in use or which is in such a state of disrepair that continued use for the purpose of accessing groundwater is unsafe or impracticable.

"Agricultural lime" means all calcium and magnesium products sold for agricultural purposes in the oxide, hydrate, or carbonate form; designated as quicklime, hydrated lime, carbonate of lime, and crushed or ground limestone which is used for agricultural purposes as a soil pH buffer.

"Annular space" means the space between the well casing and the well bore or the space between two or more concentric well casings.

"Approved" means accepted or acceptable under an applicable specification stated or cited in these rules.

"Aquifer" means a geological formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

"Artesian well" means a well in an aquifer where the groundwater is confined under pressure and the static water level in the well stands above the top of the confined aquifer it taps.

"Bentonite" means a naturally occurring highly plastic, colloidal clay composed largely of the mineral montmorillonite which expands upon wetting.

"Bentonite grout (or slurry)" means a mixture of 10 percent processed bentonite (by weight) and clean water.

"Bentonite pellets" means a form of processed bentonite which can be used directly for sealing applications in well plugging operations.

"Bentonite products" means the forms of bentonite which can be used for sealing materials in wells, including graded bentonite, bentonite pellets and bentonite grout.

"Casing" means a tubular retaining structure which is installed in the excavated hole to maintain the well opening.

"Concrete" means a mixture of one sack (94 pounds) of portland cement, an equal amount by volume of sand and gravel or crushed stone and not more than six gallons of clean water.

"Confined aquifer" means an aquifer in which the groundwater is under pressure greater than atmospheric pressure. The static water level in a well tapping a confined aquifer rises to a level above the top of the aquifer.

"Crushed stone" means Class A or Class B crushed stone as defined in the specifications of the Iowa department of transportation.

"Department" means the department of natural resources created under Iowa Code section 455A.2.

"Director" means the director of the department.

"Fill materials" means soil, sand, gravel, crushed stone, pea gravel and agricultural lime used to occupy space between and below sealing materials in abandoned wells being plugged.

"Graded bentonite" means bentonite which is crushed and sized for pouring and easy handling. Like processed bentonite, it swells when hydrated by fresh water and will form a plastic, essentially impermeable mass.

"Gravel" means Class C gravel as defined in the specifications of the Iowa department of transportation.

"Groundwater" means any water of the state, as defined in Iowa Code section 455B.171, which occurs beneath the surface of the earth in a saturated geological formation of rock or soil.

"Grout" means a fluid mixture of cement and water (neat cement); sand, cement and water (sand cement grout); or bentonite and water (bentonite grout or slurry) of a consistency that can be forced through a pipe and placed as required.

"Limestone" means sedimentary rock which contains greater than 50 percent calcium carbonate and has strong reaction with hydrochloric acid (HCl).

"Liner pipe" means a protective well casing pipe installed subsequent to initial construction to seal off a zone of bacterial or chemical contamination or a casing pipe installed during or subsequent to the initial well construction to seal off a caving formation.

"Neat cement" means a mixture of one sack (94 pounds) of portland cement to not more than six gallons of clean water. Bentonite up to 2 percent by weight of cement may be added to reduce shrinkage.

"Plugging" means the proper closure of an abandoned well by procedures which will permanently seal the well from contamination by surface drainage; and where the well penetrates multiple or confined aquifers, will permanently seal off and prevent flow or contamination out of an aquifer or from one aquifer to another. Plugging involves the application of sealing materials and can include fill materials.

"Processed bentonite" means bentonite which has been kiln dried and processed into pellets for direct use in well sealing applications or into powder or coarse granules for use in bentonite grout for sealing.

"Pump pit" means a sunken area located directly over the well used to house the equipment for discharging water from a well into the water system.

"Quaternary sediments" means the unconsolidated materials, such as alluvium, soil, loess, glacial drift clay, and sand and gravel, above the bedrock.

"Sandpoint well" means a small diameter water well constructed by joining a screened drive point with lengths of pipe and driving the assembly into a shallow sand and gravel aquifer. Sandpoint wells commonly are less than 30 feet deep.

"Sand cement grout" means a mixture of one sack (94 pounds) of portland cement, an equal amount by volume of clean masonry sand and not more than six gallons of clean water.

"Sealing" means the application of sealing materials (bentonite products, neat cement, sand cement grout or concrete) for plugging an abandoned well to seal off unwanted flow into, out of or between aquifers.

"Standby well" means a water well which is temporarily taken out of service with the expectation of being returned to service when needed.

"Static water level" means the water level in a water well when the well is not flowing or being pumped.

"Tremie pipe" means a device, usually a small diameter pipe, that carries grouting materials to the bottom of the hole and which allows pressure grouting from the bottom up without introduction of air pockets.

"Unconfined aquifer" means an aquifer in which the static water level does not rise above the top of the aquifer, i.e., the pressure of the water in the aquifer is approximately equal to that of the atmosphere.

"Water well" means an excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted or otherwise constructed for accessing groundwater.

"Well screen" means the intake section of the well that obtains water from an aquifer and serves as a structural retainer to support the bore hole in unconsolidated materials.

567--39.4(455B) Forms. The following form is currently in use: Abandoned Water Well Plugging Record. 2/88. 542-1226.

567--39.5(455B) Abandoned well plugging schedule.

39.5(1) Certification. Within 30 calendar days after completion of plugging, abandoned well owners must certify on DNR Form 542-1226, Abandoned Water Well Plugging Record, that abandoned wells have been properly plugged in accordance with the requirements and time schedule contained in this chapter.

39.5(2) Category I. Abandoned wells eight inches or larger in diameter abandoned prior to November 23, 1988 must be properly plugged by July 1, 1990.

39.5(3) Category II. Wells abandoned prior to November 23, 1988 and located less than 200 feet from an active well supplying potable water or located less than one-eighth mile (660 feet) from a point source of potential contamination must be properly plugged by July 1, 1990. Examples of point sources of potential contamination include, but are not limited to, industrial waste sites; uncontrolled hazardous waste sites; petroleum storage areas; hazardous waste treatment, storage or disposal areas; agricultural chemical storage areas; animal feedlots; and wastewater treatment facilities.

39.5(4) Category III. All other wells which were abandoned prior to November 23, 1988 must be properly plugged by July 1, 1993.

39.5(5) Category IV. Wells which are abandoned on or after November 23, 1988 must be properly plugged within 90 days of the date of abandonment.

567--39.6(455B) Water well plugging materials.

39.6(1) Sealing materials. Approved sealing materials are bentonite products (graded bentonite, bentonite pellets and bentonite grout), neat cement, sand cement grout and concrete.

39.6(2) Fill materials. Approved fill materials include soil, sand, pea gravel, gravel, crushed stone and agricultural lime. Fill materials are not required for well plugging, but may be used to save on quantities and costs of sealing materials as provided in 567--39.7(455B). The fill materials shall be free of sticks, leaves or other foreign matter and shall be free of any toxic or agricultural chemical residue.

567--39.7(455B) Water well plugging procedures.

39.7(1) Freedom from obstructions. Abandoned wells must be checked before they are plugged in order to ensure freedom from obstructions that may interfere with plugging operations. Drop pipes, check valves, pumps, and other obstructions shall be removed if practicable.

39.7(2) Wells in quaternary sediments.

a. Large diameter wells 100 feet or less in depth. The services of a registered well contractor are not required for the plugging of large diameter (18-inch diameter or more) wells 100 feet or less in depth in quaternary sediments (above bedrock). These wells may be plugged by pouring fill and sealing materials from the top of the well or by using tremie pipes, except for sand cement grout placed below water, which must be placed by dump bailer.

Fill materials of sand, gravel, crushed stone, pea gravel or agricultural lime shall be placed up to one foot below the static

water level. A minimum of one foot of bentonite pellets, graded bentonite or neat cement shall be placed on top of the fill material up to the static water level as a seal. Sand cement grout placed with a dump bailer also may be used on top of the fill material up to the static water level and in standing water above the static water level to act as a seal. Fill material of soil, sand, gravel, crushed stone, pea gravel or agricultural lime shall then be added up to four feet below the ground surface.

The fill materials may be omitted and sealing materials may be used to fill the entire well up to four feet below the ground surface. Bentonite pellets, graded bentonite or neat cement sealing materials shall be used below the static water level. Sand cement grout placed with a dump bailer also may be used below the static water level or in standing water above the static water level. Sealing materials which may be used above the static water level include bentonite pellets, graded bentonite, neat cement, sand cement grout and concrete.

The casing pipe shall be removed down to four feet below the ground surface and shall be capped by a minimum of one foot of bentonite pellets, graded bentonite, neat cement, sand cement grout or concrete. The cap shall extend six or more inches beyond the outside diameter of the top of the remaining well casing and shall terminate three feet below the ground surface.

If there is any curbing, pump pit or pump house structure located directly over the well, this shall also be removed down to a minimum of four feet below the ground surface. The top four feet (three feet above the cap) shall then be backfilled with soil and graded so that surface water is directed away from the abandoned well location.

b. Wells less than 18 inches in diameter or greater than 100 feet in depth, excluding sandpoint wells. Plugging of wells less than 18 inches in diameter or greater than 100 feet in depth must be performed by a well contractor registered pursuant to 567--Chapter 37.

Fill material consisting of sand, gravel, crushed stone or pea gravel shall be placed in the bottom portion of the well open to the water-bearing formation up to four feet below the static water level. A minimum of four feet of sealing materials consisting of bentonite products or neat cement shall be added above the fill material up to the original static water level. If bentonite grout or neat cement is used, it shall be placed by tremie pipe. If graded bentonite or bentonite pellets are used, they may be added by pouring in place and agitating to avoid bridging. Any of the approved sealing materials shall be added above the static water level up to four feet below the ground

surface. If bentonite grout is used, it shall be capped by at least six feet of neat cement terminating four feet below the ground surface.

The fill materials may be omitted and bentonite products or neat cement sealing materials may be used to fill the entire well up to four feet below the ground surface. If bentonite grout is used from the static water level to the top of the well, it shall be capped by at least six feet of neat cement terminating four feet below the ground surface.

The upper four feet of the casing pipe below the ground surface shall be removed and if there is any curbing, pump pit or pump house structure located directly over the well, this shall also be removed down to a minimum of four feet below the ground surface. The top four feet shall then be backfilled with soil and graded so that surface water is directed away from the abandoned well location.

c. Sandpoint wells. The preferred method of plugging a sandpoint well is to pull the casing and sandpoint out of the ground, allowing the hole to collapse and fill. This does not require the services of a registered well contractor. If the sandpoint and casing cannot be extracted, they shall be tremied full of neat cement or completely sealed with bentonite products, and this plugging must be performed by a well contractor registered pursuant to 567--Chapter 37.

The upper four feet of the casing pipe below the ground surface shall be removed and if there is any curbing, pump pit or pump house structure located directly over the well, this shall also be removed down to a minimum of four feet below the ground surface. The top four feet shall then be backfilled with soil and graded so that surface water is directed away from the abandoned well location.

39.7(3) Bedrock wells. Plugging of all bedrock wells shall be performed by well contractors registered pursuant to 567--Chapter 37. If the details of well construction are unknown, the well shall be tremied full of neat cement up to four feet below the ground surface or tremied full of bentonite grout up to ten feet below the ground surface, with the bentonite grout capped by at least six feet of neat cement terminating four feet below the ground surface.

a. Bedrock wells completed in a single confined aquifer. Before proceeding to plug the well, a bridge plug or packer shall be placed at or below the bottom of the casing to stop the flow of water if necessary where the pressure in the confined aquifer is great, causing the well to flow at the surface. In such cases, fill materials shall be placed in the lower portion of the well before the bridge plug or packer is set.

Fill material consisting of pea gravel, crushed stone or gravel shall be placed from the bottom of the well to within ten feet below the bottom of the casing or confining layer. Sealing material consisting of bentonite products or neat cement shall be placed from the top of the fill material to at least ten feet above the bottom of the casing or confining layer or to the static water level, whichever is higher. If bentonite grout or neat cement is used, it shall be placed by tremie pipe. Bentonite pellets or graded bentonite may be added by pouring in place and agitating to avoid bridging. Any of the approved sealing materials shall be added above the static water level up to four feet below the ground surface. If bentonite grout is used, it shall be capped by at least six feet of neat cement terminating four feet below the ground surface.

The fill materials may be omitted and any of the approved sealing materials may be used to fill the entire well up to four feet below the ground surface. Only bentonite products or neat cement sealing materials shall be used below the static water level. If bentonite grout is used from the static water level to the top of the well, it shall be capped by at least six feet of neat cement terminating four feet below the ground surface.

The upper four feet of the casing pipe below the ground surface shall be removed and if there is any curbing, pump pit or pump house structure located directly over the well, this shall also be removed down to a minimum of four feet below the ground surface. The top four feet shall then be backfilled with soil and graded so that surface water is directed away from the abandoned well location.

b. Bedrock wells completed in a single unconfined aquifer. The plugging procedure for these wells is the same as for bedrock wells completed in a single confined aquifer except that a bridge plug or packer is not required to stop the flow of water since this problem will not exist in this type of well.

c. Bedrock wells completed in multiple aquifers. For the lowest aquifer, fill material consisting of pea gravel, crushed stone or gravel shall be placed to within ten feet below the bottom of the casing or confining layer. Neat cement tremied in place shall then be used as a sealing material to ten feet above the bottom of the casing or above the bottom of the confining layer, whichever is highest. The minimum thickness of the sealing material above each aquifer shall be ten feet except for the uppermost aquifer. This same procedure and type of fill materials and sealing material shall be used throughout subsequent aquifers including the uppermost aquifer. The seal for the uppermost aquifer shall extend from at least ten feet below the bottom of the casing or confining layer to at least ten

feet above the bottom of the casing or confining layer. The casing shall be filled above the static water level with any of the approved sealing materials up to four feet below the ground surface. If bentonite grout is used, it shall be capped by at least six feet of neat cement terminating four feet below the ground surface.

The fill materials may be omitted and any of the approved sealing materials may be used to fill the entire well up to four feet below the ground surface. Only bentonite products or neat cement shall be used as the sealing materials below the static water level. If bentonite grout is used from the static water level to the top of the well, it shall be capped by at least six feet of neat cement terminating four feet below the ground surface.

The upper four feet of the casing pipe below the ground surface shall be removed and if there is any curbing, pump pit or pump house structure located directly over the well, this shall also be removed down to a minimum of four feet below the ground surface. The top four feet shall then be backfilled with soil and graded so that surface water is directed away from the abandoned well location.

567--39.8(455B) Standby wells. Standby wells do not require the plugging operations for an abandoned well which renders the well permanently unusable as a source of water supply. A standby well must be disinfected prior to being taken out of use for a long period of time and must be disinfected and checked for bacterial safety when placed back in service after being out of use for a prolonged period. Disinfection of standby wells shall be done in accordance with AWWA (American Water Works Association) Standard A100. The well must not be subject to contamination by surface drainage or from other causes, and the well casing must be provided with an air-tight cover when the well is not in use.

567--39.9(455B) Variances. In accordance with Iowa Code section 455B.181, a variance to these rules may be granted by the department provided sufficient information is submitted in writing to the department to substantiate the need for a variance and to assure the protection of all aquifers penetrated by the affected well. When justification satisfactory to the director is provided substantially demonstrating that a variance to these rules will result in equivalent effectiveness or improved effectiveness, a variance to these rules may be granted by the director. A denial of a variance may be appealed to the environmental protection commission pursuant to 567--Chapter 7.

567--39.10(455B) Noncompliance. Violations of any of the provisions of this chapter may be addressed by the department pursuant to Iowa Code sections 455B.109, 455B.175, 455B.191 and 1987 Iowa Code supplement section 455B.190.

These rules are intended to implement 1987 Iowa Code supplement section 455B.190.

s/Larry J. Wilson

Larry J. Wilson, Director

ECONOMIC IMPACT STATEMENT
for
PROPOSED NEW CHAPTER 39 RULES
on
PROPERLY PLUGGING ABANDONED WELLS

Prepared by
Environmental Protection Division
Iowa Department of Natural Resources
June, 1988

INTRODUCTION

At its June 14, 1988 meeting, the Iowa General Assembly Administrative Rules Review Committee (ARRC) voted to request a formal economic impact statement concerning proposed rules appearing as 567 IAC Chapter 39, in volume X, number 22 of the IAB (4-20-88). The portion of the rule of concern to the ARRC is rule 39.5 through 39.7, identifying the types of wells to be plugged and the procedure to plug them.

The ARRC requested that the impact statement estimate the number of wells in each of the four categories and the comparative costs for plugging each type of well. (Note: The proposed rule divides abandoned wells into four categories by priority and into six types for plugging procedures.)

The ARRC request continues: certain types of wells may only be plugged by a registered driller; the statement should also estimate the number of drillers available and the specific number

of wells requiring their services, along with a comparison of the cost for professional closing of a well versus a "do-it-yourself" operation.

The ARRC request is made pursuant to the provisions of Iowa Code section 17A.4.

SUMMARY

The comparative estimated costs for plugging the six types of wells described in the rules are presented. These costs range from $100 for a Type 3 well to $1600 for a Type 6 well if the work is done by a registered well driller. Costs for plugging by the well owners is estimated at $175 for Type 1 wells and $50 for Type 3 wells. Due to the initial costs of equipment required, the costs for well owners to properly plug their own Types 2, 4, 5 and 6 wells is expected to be higher than the costs of having these types of wells plugged by registered well drillers.

There are currently 167 registered well drillers in Iowa and the estimated number of abandoned wells that require registered well drillers for proper plugging is 31,500.

The costs of closing Type 1 wells is $350 by a registered well driller and $175 for a "do-it-yourself" approach by the well owner. For a Type 3 well, the plugging cost would be $100 by a registered well driller and $50 by the owner. Total program costs for Type 1 and 3 wells would be $12,600,000 by registered well drillers and $6,300,000 by the well owners.

Total program cost for plugging all abandoned wells, assuming Type 1 and 3 are done by the well owners, is estimated at $29,760,000.

RULE-MAKING HISTORY

Pursuant to the authority of 1987 Iowa Code Supplement section 455B.190, the Environmental Protection Commission proposes to adopt a new Chapter 39, "Requirements for Properly Plugging Abandoned Wells."

1987 Iowa Code Supplement section 455B.190 requires that all abandoned wells be properly plugged in accordance with a closure program implemented by the Department of Natural Resources. Accordingly, the proposed rules establish a time schedule for plugging various types of abandoned wells; set forth proper

procedures and materials to be employed; and require certification of each plugged well by completing a new form entitled, "Abandoned Water Well Plugging Record."

Notice of Intended Action was published in the April 20, 1988 Iowa Administrative Bulletin as ARC 8658. Thirty-seven oral and written comments were received during the comment period and at three public hearings.

Significant changes from the Notice of Intended Action that apply to the sections of concern to the ARRC are as follows:

Subrule 39.5(2) provides that Category I wells must be properly plugged by July 1, 1989, instead of six months after the effective date of the rules.

Paragraph 39.7(2)"c" requires the services of a registered well driller to plug a sandpoint well only if the sandpoint and casing cannot be extracted.

These rules were scheduled to be adopted by the Environmental Protection Commission at its June 20, 1988 meeting and would have become effective on August 17, 1988.

GENERAL DISCUSSION

Section 305 of H.F. 631 included the following requirements:

All abandoned wells, as defined in section 455B.171, shall be properly plugged in accordance with the schedule established by the department. The department shall develop a prioritized closure program and a time frame for the completion of the program and shall adopt rules to implement the program.

The following prioritized closure program and schedule was developed by the department and included in Chapter 39 in accordance with these requirements:

Category I - Safety . Abandoned wells eight inches or larger in diameter abandoned prior to the effective date of the rule must be properly plugged by July 1, 1989.

These represent the wells with the highest hazard potential for injury to persons or livestock; the minimum size selected was that of the Texas well into which a child fell during the past year. The sooner that such wells can be properly plugged, the

less chance there will be for the occurrence of a similar incident in Iowa. In addition, these also include many shallow bored or dug wells which are generally the most common type in Iowa, the largest in diameter, in the most shallow aquifers and of most concern due to potential for contamination of the groundwater.

Category II - Contamination . Wells abandoned prior to the effective date of the rule and located within specified distances of point sources of potential contamination must be properly plugged by July 1, 1990.

These wells were given a high priority for plugging because they are particularly vulnerable to pollution and then can become sources of aquifer contamination.

Category III - All other wells abandoned prior to the effective date of this rule . All other wells abandoned prior to the effective date of this rule must be properly plugged by July 1, 1993.

A five-year period was allowed for plugging of the backlog of old abandoned wells not included in the first two categories.

Category IV - Wells abandoned after the effective date of this rule . Wells abandoned after the effective date of this rule must be properly plugged within 90 days of the date of abandonment.

For wells abandoned in the future (starting with the effective date of the rule), plugging must be kept on a current basis. This is consistent with the current practice of many reputable well drillers who insist that abandoned wells be properly plugged when new wells are constructed to replace them.

Abandoned wells were also classified by type in addition to the priority categories described above so proper plugging procedures could be identified. The type of well describes the construction and proper methods of plugging are prescribed for each of six types of wells in the rule.

Category I wells, the highest plugging priority due to safety and potential for contamination, includes all types of wells except sandpoints. Multiple types of wells are also represented in each of Categories II, III and IV.

NUMBER OF WELLS BY CATEGORY

A report, "Estimates of Rural Wells in Iowa," by Hallberg, Hoyer, Dorpinghaus and Ludvigson of the Iowa Geological Survey (now the Geological Survey Bureau of the Department of Natural Resources) was prepared in 1985 as directed by H.F. 2382 of the 69th General Assembly of the Iowa Legislature. The report included an estimate of 36,300 abandoned rural wells. To this must be added an unknown number of non-rural abandoned wells, estimated at 3,700, to result in a total estimate of 40,000 abandoned water supply wells in the state. This would result in an average of approximately one abandoned well for each 900 acres based on the total area of the state.

It is generally thought that the number of abandoned wells in the state may be considerably higher than the figure derived above. This could be due to a tendency toward under-reporting because the respondents were apprehensive about the purpose of the survey and the use which might be made of the information, and there was no corroboration by field investigations of the accuracy of the information gathered. It was assumed for lack of a better alternative that the percentage of abandoned wells to active wells was the same for those responding and those not responding to the survey, and this may not be the case. Those not responding may have had higher numbers and percentages of abandoned wells, and that may have been a factor influencing them to not respond.

For these reasons, a separate estimate has been developed for this statement to represent what is thought to be a reasonable upper limit on the total number of abandoned wells in the state. This will serve to provide a higher upper limit on the estimated economic impact of the well closure program and reduce the possibility that such effects are being minimized or under-estimated.

The number of farmsteads in Iowa has declined by over 100,000, and if it is assumed that each had a well and that one-half of those wells still exist as abandoned wells that have not been plugged or lost, that would represent 50,000 abandoned wells. The GSB report indicates there may be an average of one abandoned well for every six active wells, and assuming only one active well per present farmstead, this would result in about 16,000 additional abandoned wells. To this must be added about 4,000 non-rural abandoned wells. This results in an estimated total of 70,000 abandoned wells which will be used in this statement.

This is an average of about one abandoned well for each 500 acres for the total area of the state.

For the purposes of this statement, estimates for the total number of abandoned wells in the state divided into the various categories are presented in the following table.

TABLE 1

NUMBER OF ABANDONED WELLS

Well Category	Estimated Number	Percent of Total
I	35,000 (18" dia. or more)	50%
	2,100 (8-18" dia.)	3%
II	29,400	42%
III	3,500	5%
Totals	70,000	100%

The wells in Category IV are not included in the above figures since they represent wells to be abandoned and plugged after the effective date of the rule. The number of wells constructed each year over a period of years was analyzed and found to vary over a wide range. It was assumed that the number of wells abandoned was about 16% of the number of new wells constructed. On that basis, the number of wells to be plugged in Category IV is expected to range from about 240 to 1,100 per year.

WELL PLUGGING COSTS BY TYPE OF WELL

The costs of well plugging vary not only from one type of well to another, but also within a single type of well according to diameter, depth, location, complexity, accessibility, availability of materials, cost of materials and labor costs. Nonetheless, by contacting a number of well drillers in all regions of the state, it was possible to assemble enough data to develop estimated costs for properly plugging typical wells of

each of the six types of wells. This information is presented in the following table.

Also shown are the estimated costs for the plugging of two types of wells by the well owners. These are the only types of wells which do not require plugging by a registered well driller (unless a sandpoint well casing cannot be extracted from the ground by the well owner).

The costs of the specialized quipment required for properly plugging well Types 2, 4, 5 and 6 in accordance with the rules is so high that it would cost a well owner more for a "do-it-yourself" approach on plugging these wells than to have the work performed by a registered well driller who already has the required equipment. Therefore, there are no cost estimates provided for the "do-it-yourself" approach for these types of wells.

TABLE 2

ESTIMATED WELL PLUGGING COSTS

Type of Well	Assumed Conditions Diameter Inches	Depth Feet	Estimated Plugging Cost by Registered Driller	Well Owner
In Quaternary Sediments:				
1. 18" dia. or more 100' or less depth	18 or more	50	$350	$175
2. Less than 18" dia. or more than 100' depth	Less than 18	100	500	--
3. Sandpoint Wells	1 1/2	50	100	50
Bedrock Wells:				
4. Confined Aquifer	4	300	700	--
	5	300	800	--

	6	300	900	--
5. Unconfined Aquifer	4	200	450	--
	5	200	550	--
	6	200	650	--
6. Multiple Aquifers	4	500	1200	--
	5	500	1400	--
	6	500	1600	--

REGISTRATION OF WATER WELL CONTRACTORS

According to Chapter 37 IAC, a person or contractor must register before engaging in the construction or reconstruction of water wells. Such persons or contractors are referred to as registered well drillers in Chapter 39 IAC. Chapter 39 requires that plugging of all wells shall be performed by registered well drillers with the exception of large-diameter wells less than 100 feet in depth and sandpoint wells from which the casing and sandpoint can be pulled out of the ground by the well owner (well Types 1 and 3 in Table 2).

To obtain registration as a well driller, an applicant only needs to submit a completed application form along with a fee of $30 per year. There are no other requirements for registration such as experience, knowledge, bonding, financial responsibility or proof of having the equipment and capability of performing the tasks associated with well construction, reconstruction or plugging. Registration of well drillers provides a list of those engaging in this type of activity but gives no assurance that those registered are competent to perform the work involved. It may be assumed that most registered well drillers are those who do this type of work full time.

Currently, there are 167 registered well drillers in Iowa, including both the individual and business categories. This compares to a mailing list of 300 to 350 pump installers and well drillers maintained by the Iowa Water Well Association. That organization estimates that there are about 300 well drillers or pump installers capable of performing well plugging in the state at the present time.

It is estimated that there may be 35,000 Type 1 wells and 3,500 Type 3 wells which can be plugged by the well owners. The

remaining 31,500 Type 2, 4, 5 and 6 wells require the services of a registered well driller for properly plugging.

WELL PLUGGING COST COMPARISON

Comparisons of the unit costs and total program costs for plugging Type 1 and 3 wells by the well owners (the "do-it-yourself" approach) and by registered well drillers are presented in the following tables.

TABLE 3

UNIT COSTS OF WELL PLUGGING

Type of Well	Estimated Plugging Cost by Registered Driller	Well Owner	Difference in Plugging Cost
1. 18" dia. or more 100' or less in depth	$350	$175	$175
3. Sandpoint Wells	100	50	50

TABLE 4

TOTAL PROGRAM COSTS OF WELL PLUGGING
(Costs in thousands of dollars)

Type of Well	Number of Wells	Total Program Plugging Costs by Registered Drillers	Well Owners	Difference in Total Program Plugging Costs
1.	35,000	$12,250	$6,125	$6,125
3.	3,500	350	175	175
Totals		$12,600	$6,300	$6,300

The figures in Table 4 indicate that total costs for all well owners to plug their own Type 1 and 3 wells are estimated to be six million three hundred thousand dollars ($6,300,000). That would also represent a savings of six million three hundred thousand dollars ($6,300,000) over having the plugging done by

registered well drillers. The cost of plugging each well by the owner is estimated to be $175 for a Type 1 well and $50 for a Type 3 well, as shown in Table 3.

It is not known how many abandoned wells are in each of Categories I, II, III and IV, and it is not known how many of each of the six well types fall into each of the four categories. Therefore assumptions were made for use in this statement to develop estimates of the number of abandoned wells in each of the categories based on experience and judgement and the results of a GSB survey on the number of wells and abandoned wells.

The costs for plugging wells of six different types with assumed diameters and depths have been developed and presented. These costs for plugging by registered well drillers range from a low of $100 for a Type 3 sandpoint well 1[1/2" in diameter and 50 feet deep, to a high of $1,600 for a Type 6 bedrock well in multiple aquifers 6" in diameter and 500 feet deep.

The consensus of those most familiar with wells is that the vast majority of rural water supply wells are of the first three types in Table 2 and that the largest number of abandoned wells are Type 1. Plugging costs for well Types 1, 2 and 3 are less than the plugging costs for bedrock wells, Types 4, 5 and 6. Also, Type 1 wells of the size shown can be plugged by the well owners at an estimated cost of $175, and Type 3 wells as shown can be plugged by the well owners for an estimated cost of $50.

Estimated total costs of the well plugging program for Type 1 and Type 3 wells done by registered well drillers was compared with the estimated total costs if these wells were plugged by the well owners as permitted by the rules. Total plugging program costs for these wells are estimated at twelve million six hundred thousand dollars ($12,6000,000) if done by registered well drillers and six million three hundred thousand ($6,300,000) if done by the well owners, representing a savings for the well owners of six million three hundred thousand dollars ($6,300,000).

The total program costs for plugging all abondoned wells in the state (assuming Types 1 and 3 plugged by the well owners), including Types 1 through 6, is $29,760,000.

CONCLUSIONS

According to H.F. 631, it is the policy of the state to prevent further contamination of groundwater from any source to the maximum extent practical; and the intent of the state is to prevent contamination of groundwater from point and nonpoint sources of contamination to the maximum extent practical, and if necessary, to restore the groundwater to a potable state, regardless of present condition, use or characteristics.

Chapter 39 provides the rules needed for an effective abandoned well plugging program to implement the above policy by reducing the potential for groundwater contamination from abandoned wells. The plugging requirements have been carefully researched and developed based on technical references, information from other states with well plugging programs, input from experienced well drillers and organizations representing them, guidance from various state and federal agencies and written and oral comments made during the period of public notice and hearings.

The rule on properly plugging abandoned wells adequately addresses the issues as they are now known and is needed to carry out the intent and policy of the state as given in H.F. 631.

Date: _____

_____
Larry J. Wilson, Director

E88Sep-106

Mr. Stokes stated that the Groundwater Protection Act required a prioritized closure program, time frame for completion of the program and adoption of rules to implement the program. Staff is seeking final adoption of these rules.

APPOINTMENT - TED YANACEK

Ted Yanacek, Iowa Farm Bureau, addressed the Commission expressing concern that the DNR program is not coordinated with the Department of Agriculture and Land Stewardship (DALS) program. He asked that the Commission take into consideration points made in his letter to each of them. Mr. Yanacek asked that the Commission delay the implementation of these rules until the educational program through DALS is developed, so that wells are properly plugged. He feels that it should be determined whether landowners are going to be eligible for cost-sharing funds from DALS prior to putting a $100/day sanction in place.

Allan Stokes reminded the Commission that they have adopted rules for cost sharing which allow funding not to exceed $200 per well.

Donna Hammitt asked if there is a time frame mandated by the legislature for adoption of the rules.

Mr. Stokes stated that there is a strong expectation by the legislature that the mandate be carried out as quickly as possible, but no specific date was given.

KEN TOW, Department of Agriculture and Land Stewardship, stated that his department has no plans at the present time to develop a cost share program. He added that no rules are forthcoming at this time, primarily because no funds are available and because of the magnitude of the costs.

Mr. Yanacek stated that DALS has recently entered into a contract with ISU for an education program regarding abandoned wells.

Clark Yeager asked how a landowner with an abandoned well will know how to properly plug his well.

Mr. Stokes displayed a booklet prepared by the Geological Survey Bureau which explains how to properly plug a well. It provides helpful hints and pointers on the kinds of material to use, how much material will be needed, and how to do the work. He added that these rules were designed to provide that individuals could close certain wells themselves; they do not require that all wells be done by a registered well driller. The booklet will be made available through the Extension Service, Geological Survey Bureau, the DNR Des Moines office, and other groups who are interested in making them available.

Gary Priebe stated that the estimated cost to plug a well would average from $300 to $1,000, and without some assistance people will not spend this amount of money to plug a well.

Discussion followed regarding the contract with ISU for educational program; DNR providing a training program for county sanitarians; and potential funds available from the Ag Management Account.

Charlotte Mohr stated that she feels there is a need for DNR, EPC, and DALS to sit down and further discuss concerns.

Mr. Stokes stated that there has been, and is, very good communication between DALS and DNR. He stated that the only technical issue is the phase-in of the rule and that no one has problems with any other sections of the rule. He added that staff will use discretion in enforcenment after proper notification of requirements, instruction and guidance have been given.

Catherine Dunn expressed concerns with the completion date stating that she is not sure everything can be accomplished by July 1, 1989.

Nancylee Siebenmann stated that she shares the concern of Commissioner Dunn, but at the same time she is concerned that the department begin this activity.

Motion was made by Nancylee Siebenmann to approve Final Rule--Chapter 39, Requirements for Properly Plugging Abandoned Wells with the provision that the department take the initiative in contacting DALS and the Extension Service to urge them to move forward with the greatest expediency in their education and cost sharing programs. Seconded by Catherine Dunn.

Clark Yeager stated that he would like to delay this rule for a month to allow for a report of what DALS is doing regarding their education and funding programs.

Charlotte Mohr stated that it is her feeling the deadline should should be extended to July 1, 1990, due to the magnitude of the project.

Nancylee Seibenmann stated that the Commission has no control over the other groups and they may not agree with the Commission on these aspects.

Catherine Dunn stated that she would like to see the department move on these rules but does not feel it is a reasonable time line. She added that she would favor moving the date to allow for an extra six months to a year.

Nancylee Siebenmann withdrew her motion. Catherine Dunn concurred.

Motion was made by Nancylee Siebenmann to approve Final Rule--Chapter 39, Requirements for Properly Plugging Abandoned Wells, with a change in the date on page 3, 39.5(2) Category I to read July 1, 1990; and with the provision that the department take the initiative in contacting DALS and the Extension Service to urge them to move forward with the greatest expediency in their education and cost sharing programs. Seconded by Catherine Dunn. Motion carried unanimously.

REFERRALS TO ATTORNEY GENERAL

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

Merle Kuppinger - Mason City

Mr. Combs presented a detailed history of this case concerning a solid waste violation.

APPOINTMENT - MERLE KUPPINGER

Merle Kuppinger, Mason City, stated that the property where dumping was taking place is not owned by him, and that he has never given anyone permission to dump anything that wasn't legal on that property. He continued that it had all been leveled off and been taken care of, and two months later he received a letter from DNR. He related that he felt the letter was sent by mistake. Mr. Kuppinger added that he has not been on the property since February.

Charlotte Mohr asked Mr. Kuppinger who owns the land.

Mr. Kuppinger responded that the city of Mason City owns one block and a man by the name of Glen Sevick owns the remainder, except for a small chunk of it. He added that he lives about one block from the area and people drive down his block to get there.

Mr. Combs stated that Mr. Kuppinger was issued an Administrative Order because the department witnessed him participating in directing either the trucks to the site as far as where to dump the material, or running a cat.

Catherine Dunn asked if other parties involved (property owners) are in enforcement.

Mr. Combs responded that other parties are involved with Administrative Orders.

Clark Yeager stated that he feels referral should not take place when the report states that Mr. Kuppinger owns property that he does not own. More information is needed before referral should be approved.

Catherine Dunn related that referral should take place and let the Attorney General's Office work out the mitigating circumstances.

Mr. Combs stated that the Commission should look at the process involved, procedure for appeal and deadlines for same.
Motion was made by Donna Hammitt for referral to the Attorney General's Office. Seconded by Catherine Dunn.

Vice-Chairman Timmerman requested a roll call vote. "Aye" votes were cast by Commissioners Dunn, Hammitt, Priebe, and Timmerman.

"Nay" votes were cast by Commissioners Mohr, Siebenmann, and Yeager. Motion failed 4 to 3 due to a lack of concurrence of a majority of the Commission.

Gary Priebe stated that investigation should be done to see who actually owns the property and if they are following up with their Administrative Orders.

Discussion followed regarding the possibility of tabling this until next month to allow for investigation.

James Combs stated that the Commission may want to use parlimentary procedure to reconsider their action.

Motion was made by Clark Yeager to reconsider the Merle Kuppinger referral. Seconded by Charlotte Mohr. Motion carried unanimously.

Motion was made by Clark Yeager to table the Merle Kuppinger referral until the November meeting, at which time staff will provide information on all responsible parties and clarify ownership of the property involved. Seconded by Charlotte Mohr. Motion carried unanimously.

FINAL RULE -- CHAPTER 8, CONTRACTS

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The Commission is requested to adopt the attached final rules on contracts for public improvements and professional services. These rules adopt by reference DNR rules which have also been adopted by the Natural Resource Commission. No comments other than internal comments were received during the public participation process. The changes made from the proposed rules are highlighted in the text and explained in the preamble to the DNR rules.

ENVIRONMENTAL PROTECTION COMMISSION (567)
ADOPTED RULE

Pursuant to the authority of Iowa Code sections 455A.6 and 455B.105, the Environmental Protection Commission of the Department of Natural Resources hereby adopts a new Chapter 8,

"Contracts for Public Improvements and Professional Services," Iowa Administrative Code.

The rules were published in full on August 10, 1988 under the Department of Natural Resources, as ARC 9075. The commission adopts by cross reference 561--Chapter 8, Iowa Administrative Code, to appear as 567--Chapter 8.

The Notice of Intended Action was published in the August 10, 1988, Iowa Administrative Bulletin as ARC 9074. There were no comments to the notice made except within the department and appropriate changes were made.

These rules are to become effective on November 23, 1988.

These rules are intended to implement Iowa Code sections 455A.6 and 455B.105.

Adopt a new 567--Chapter 8 as follows:

CHAPTER 8
CONTRACTS FOR PUBLIC IMPROVEMENTS AND PROFESSIONAL SERVICES

567--8.1(17A) adoption by reference. The commission adopts by reference 561--Chapter 8, Iowa Administrative Code.

LARRY J. WILSON, DIRECTOR
NATURAL RESOURCES DEPARTMENT (561)
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.4, the Department of Natural Resources hereby gives Notice of Intended Action to adopt a new Chapter 8, "Contracts For Public Improvements and Professional Services," Iowa Administrative Code.

The purpose of these rules is to govern the contracting for public improvements and professional services.

Any interested person may make written suggestions or comments on these proposed rules prior to April 12, 1988. Written materials should be directed to Victor Kennedy, Government Liaison Bureau, Iowa Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034. Persons who wish to convey their views orally should contract Victor Kennedy at 515/281-8889.

These rules are intended to implement Iowa Code section 455A.4.

E88Sep-112

NATURAL RESOURCES DEPARTMENT (561)
Adopted Rule

Pursuant to the authority of Iowa Code section 455A.4, the Department of Natural Resources hereby adopts a new Chapter 8, "Contracts For Public Improvements and Professional Services," Iowa Administrative Code.

The purpose of these rules is to govern the contracting for public improvements and professional services. Notice of intended action was published on March 23, 1988, in Iowa Administrative Bulletin as ARC8548.

Changes from such notice are as follows:

1. Rule 8.3(2) allows the department to send out proposals to firms or individuals who have indicated an interest in the project.
2. Rule 8.3(3)b changes "more than $5,000" to "from $5,000 to $25,000".
3. Rule 8.3(3)c changes shall to may in order to give the department more flexibility.
4. Rule 8.3(3)d provides an exception in situation where projects are unrelated but identical in nature. It also provides that one-third of the selection committee shall be composed of individuals not responsible for the contracted administration.

These amendments will become effective August 31, 1988.

These rules are intended to implement 1987 Iowa Code section 455A.4.

ITEM 1. Adopt a new Chapter 8 as follows:

Chapter 8
CONTRACTS FOR PUBLIC IMPROVEMENTS AND PROFESSIONAL SERVICES

561--8.1(17A, 93, 107, 111, 455B) Contract policy.

8.1(1) All public improvements and professional services contracts with the department shall be awarded on a competitive basis to the maximum practical extent. All contracts shall be in written form and receive approval of the director and the appropriate commission where required by statute or rule of department.

8.1(2) Exceptions for compliance with federal rules and guidelines. Whenever adherence to these contracting procedures would result in the loss of federal aid for any public improvement project or professional services project, the

applicable rules or guidelines shall be followed to the extent necessary to quality for the federal funds.

561--8.2(17A, 93, 107, 111, 455B) Contracts for public improvements.

8.2(1) Definition. As used in these rules, "public improvement" means any building or construction work, including road or bridge construction, reconstruction and maintenance, to be paid for in whole or in part by the use of state funds. Iowa Code section 23.21, relating to reciprocal resident bidder preference, shall apply to department contracts for public improvements.

8.2(2) Invitation for bids. When the total cost of a public improvement project exceeds the sum of $25,000 as estimated by the department or the construction services bureau of the administrative services division, the department shall advertise for sealed bids by publishing a notice in at least one newspaper of statewide circulation, one newspaper published in the county seat of the county in which the work is to be done and such other means as may be appropriate in sufficient time to enable prospective bidders to prepare and submit bids, provided that one of said notices shall be not less than 15 days prior to the date set for receiving bids. Where work is to be done under the contract in more than three counties, the requirement of publication in the county seat shall not be required so long as other means of notice to bidders is given, as in trade journals or other such means. Plans, specifications and the contract form shall be provided to all prospective bidders as provided in the invitation for bids.

8.2(3) Invitation for bids. The invitation for bids must state the following items:

a. The time and place for filing sealed proposals.

b. The time and place sealed proposals will be opened and considered on behalf of the department.

c. The general nature of the public improvement on which bids are requested.

d. The general terms when the work must be commenced and when it must be completed.

e. Any further information or requirements which the department deems pertinent or advisable.

All sealed bids shall be publicly opened as specified in the notice to bidders. The bids shall be tabulated and made available in a written form to any interested party.

8.2(4) Solicitation of quotations. Competitive quotations may be solicited on public improvement projects estimated by the department to cost less than $25,000. At least three quotations

shall be solicited unless there are an insufficient number of local, qualified contractors interested in the project.

8.2(5) Failure to receive a qualified bid or quotation. In the event that no qualified sealed bids or quotations are received, the department may negotiate a contract with a qualified contractor.

8.2(6) Exceptions to the requirement for bids or quotations. The director may authorize the negotiation of a contract for a public improvement project without first soliciting quotations or advertising for bids under the following circumstances:

a. If the contemplated project involves the provision of utility services or the construction of a utility system and it would not be practicable to allow someone other than the utility company to perform the work.

b. Where competition is precluded because of patent rights, secret processes, or control of basic raw materials.

c. Where the project involves work of such a specialized nature that only one firm or person can reasonably be expected to accomplish it.

d. Where the service or product is provided by a nonprofit private corporation, a governmental body or an educational institution.

e. When emergency repair of a public improvement is necessary and delay for advertising or solicitation of quotations might cause serious loss or injury to the state.

561--8.3(17A, 93, 107, 111, 455B) Contracts for professional services.

8.3(1) Professional services defined. The term "professional services" shall include planning, design, architectural, engineering, landscape architecture, land surveying, land appraising, consulting, legal and management review services.

8.3(2) Notification of professional firms or individuals. The department shall keep a record of professional firms and individuals desirous of providing services and shall encourage from time to time the submission of letters detailing a firm's or individual's capabilities.

If a contact is estimated to cost more than $25,000, firms or individuals shall be invited to notify the department of their interest in and capabilities for providing the service. Such firms or individuals shall be informed by an advertisement in at least one newspaper of statewide circulation, one newspaper published in the county seat of the county in which the work is to be done, and such other means as may be appropriate. Where work is to be done under the contract in more than three counties, the requirement of publication in the county seat shall

not be required so long as other means of notice to bidders is given, as in trade journals or other such means. AT least one of said advertisements shall be not less than 15 days prior to the date set by the department for the preliminary review of said documents. Based upon this information, the department may select a group of at least five firms or individuals, unless fewer than that number have indicated interest, who shall be invited to submit proposals for the performance of the desired service .

In explaining their capabilities, firms or individuals are encouraged to provide information relative to the number, qualifications, and experience of their professional and technical staff; their performance records for timeliness, quality, and project management; their geographical location; and any specialized expertise which may be appropriate.

8.3(3) Selection of firm or individual.

a. For any contract for professional services estimated to cost less than $5,000, the department may select a firm or individual and negotiate a professional services contract. The bureau chief or division administrator shall prepare a memorandum for the project file stating the reasons why that particular firm or individual was selected. However, quotations may be solicited if it is in the best interest of the state.

b. For contracts estimated to cost from $5,000, to $25,000 at least three firms or individuals who appear to be qualified shall be invited to submit proposals for the performance of the desired service unless fewer than that number have indicated that availability, capability or willingness to perform the desired service.

c. When a project requiring professional services is divided into several phases, the selection of a professional firm or individual for the first project phase shall may be accomplished in the manner prescribed for the cost estimate relating to the entire project. The contract cost for subsequent phases may be established by negotiation.

The proposals shall also contain an hourly estimate of professional services. These fees and associated costs shall be submitted as directed by the department.

d. Upon the acceptance of a proposal by the director and the appropriate commission, if required by statute, the total estimated cost shall become the maximum contract cost which shall not be increased, except to the extent that a contract amendment increases the objectives and scope of services or projects that are unrelated but identical in nature . The proposals submitted for those contacts over $10,000 shall be reviewed, and members of the firms or individuals may be interviewed by a department

selection committee established by the director. At least two one-thirds of the selection committee shall be composed of individuals not responsible for the contract administration. This committee shall evaluate each proposal relative to the following criteria:

(1) Sufficiency of professional and t[illegible]nical staff to meet the project schedule and work requirements.

(2) Performance records for timeliness, quality and project management.

(3) Geographical location.

(4) Specialized expertise.

(5) Proposed method of accomplishing the desired service.

(6) Total estimated cost.

(7) Total estimated life cycle costs, if appropriate.

After evaluating the proposals, the committee shall submit a written recommendation to the director.

e. The director may authorize the negotiation of a contract without solicitation of quotations or advertising for proposals if the service is to be provided by another governmental entity or educational institution or nonprofit corporation; or if the service is of a specialized nature where only one firm or individual can reasonably provide the service, or where delay for solicitation of quotations or advertising for proposals might reasonably be expected to result in serious loss or injury to the state.

561--8.4(17A, 93, 107, 111, 455B) Approval and award of contracts.

8.4(1) Contract approval. All contracts for public improvement or professional services in excess of $25,000 shall be approved by the director and the appropriate commission if required by statute. Contracts less than $25,000 shall be approved by the director and the appropriate commission only if required by statute or rule of the commission.

8.4(2) Contract award. The contract shall be awarded to the firm or individual whose bid or proposal is believed to be the most advantageous to the state. Bids or proposals may be rejected if they do not appear to be reasonable or if there is reason to believe that the firm or individual is not sufficiently qualified to accomplish the desired work or service.

8.4(3) Change orders and extra work orders. All change orders and extra work orders shall be approved by the director before the work or service is performed, except in emergency situations, or where such approval would result in unreasonable delay. In addition, any order or accumulation of orders which increases the amount of the original contract by more than $25,000 or 10

percent of the original contract, whichever is greater, shall also be approved by the appropriate commission, if required by statute.

561--8.5(17A, 107, 111) Contract for sale of timber.

8.5(1) Invitation for bids. When the total cost of a public sale of timber exceeds the sum of $5,000 as estimated by the state forests and management bureau of the forests and forestry division, the department shall advertise for sealed bids by publishing a notice in at least one newspaper of statewide circulation, one newspaper published in the county seat of the county in which the timer is situated and such other means as may be appropriate in sufficient time to enable prospective bidders to prepare and submit bids, provided that one of said notices shall be not less than 15 days prior to the date set for receiving bids. The notice to bidders (invitation for bids) shall conform as nearly as possible to the provisions of 8.2(3).

8.5(2) Failure to receive a bid or quotation. In the event that no sealed bids or quotations are received, the state forests and management bureau of the forests and forestry division may negotiate a contract with a qualified timber buyer.

8.5(3) Exceptions to the requirement for bids or quotations. The director may authorize the negotiation of a contract for a timber sale project without first soliciting quotations or advertising for bids under the following circumstances:

a. If the contemplated timber sale is an addition to an existing timber sale.

b. If no bidders are available.

8.5(4) Bonds. All timber buyers and timber sales agreements must comply in all respects with Iowa Code section 107.36. For purposes of bond requirements, a timber buyer is the logger who cuts down the tree or who deals with the owner of the tree and is required to have a bond. If the timber buyer exhibits a copy of a contract for lumber sale with a sawmill or other third party who is bonded and responsible for payment to the timber owner, the bonding requirements for the timber buyer are satisfied.

561--8.6(455B) Emergency response. The emergency response officials of the department shall have the authority under the director's supervision to contract with firms and individuals without advertising for bids or solicitation of quotations to clean up hazardous conditions, toxic or polluting substances on public or private property in situations where time is insufficient to allow for advertising for bids or solicitation of quotations in order to prevent further injury to the environment.

Larry J. Wilson, Director

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 8, Contracts. Seconded by Catherine Dunn. Motion carried unanimously.

REFERRALS TO THE ATTORNEY GENERAL - (Continued)

City of University Park

James Combs noted that the Commission received a copy of a letter from the attorney representing the City of University Park requesting the Commission to delay consideration of this matter until the next meeting. Mr. Combs stated that it is the feeling of the department that delay is not necessary or appropriate, as staff has been working with this project for many years. It is a standard municipal improvement project whereby cities were required to be in compliance with federal law by July 1, 1988. Mr. Combs explained further details and history of the case.

Motion was made by Catherine Dunn for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann. Motion carried unanimously.

CONTESTED CASE DECISION, PROPOSED--HARRY, ENGELENA, & GORDON BROCKA

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

On March 31, 1988, the department issued Administrative Order 88-FP-02 to Harry, Engelena and Gordon Brocka. That action assessed a penalty of $800 and directed floodplain restoration work. That action was appealed and the matter proceeded to administrative hearing on July 12, 1988. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on August 9, 1988. The decision affirms the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

The Commission took no action. This has the effect of upholding the hearing officer's decision unless there is an appeal.

CONTESTED CASE HEARING, PROPOSED--HAYLOFT TAVERN

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

On May 9, 1988, the department issued Administrative Order 88-WS-46 to the Hayloft Tavern. That action assessed a penalty of $960 and directed compliance with sampling requirements. That action was appealed and the matter proceeded to administrative hearing on August 9, 1988. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on August 26, 1988. The decision affirmed the Order, but reduced the. penalty to $344.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

The Commission took no action. This has the effect of upholding the hearing officer's decision unless there is an appeal.

HAZARDOUS WASTE SITE LICENSE APPLICATION

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

On August 17, 1988, the Department received its first application for a hazardous waste facility site permit. The applicant is Safety Kleen Corporation of Elgin, Illinois. They want to construct a storage facility for solvents that they collect from businesses in the Des Moines area. The facility would be located in an industrial area just northeast of the Des Moines city limits.

Safety Kleen currently operates similar facilities in Mason City, Grimes, and Davenport. The proposed Des Moines facility will replace the Grimes facility. These facilities serve as collection sites for the solvents that Safety Kleen sells to businesses, then collects for reprocessing at its Elgin, Illinois facility.

The statute requires that the application be processed as a contested case according to a specified schedule. The Commission, supplemented by 2 representatives of the nearest city (Des Moines) and 2 representatives of the county in which the proposed facility is to be located (Polk), is the body that determines if the site license is to be issued. The law specifies that only those members of the expanded commission who have either heard all of the testimony or read the entire hearing record may vote on the issuance of the site license.

The completed application was received by the Department on September 2, 1988. The Department has already notified the city and county that they need to appoint their representatives to the expanded commission by October 2, 1988. The Department is in the process of reviewing the application for completeness and will complete that task by September 22, 1988. At the same time a review for deficiencies and additional permit requirements will be completed by October 2, 1988.

If the application is complete, the Department will notify other regulatory agencies and begin the process of establishing a hearing schedule for the application. If the application is not complete or is deficient, the company has 90 days in which to resubmit a completely acceptable application. If the second application is not received within 90 days or is unacceptable, the company must restart the process from the beginning and pay another fee.

Presuming the initial application is acceptable, the Commission would meet to hear the evidence in this case in late January or early February 1989. By law, the Commission must make its

decision not later than 180 days after the application is accepted (based on an October 2, 1988 acceptance date, the decision will have to be made by about April 2, 1989).

Mr. Combs stated that the law requires that the department notify property owners within a mile radius of this facility, that this application has been made and that they have an opportunity to make comments during the proceedings.

This was an information item; no action was required.

LEGISLATIVE PACKAGE - 1989

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The recommendations of the Legislative Subcommittee regarding the 1989 Legislative Package will be discussed with the intent of determining which items will be supported by the Commission.

Drafts of the proposals considered by the Legislative Subcommittee will be distributed under separate cover prior to the meeting. Those items supported by the Commission will be submitted to the Legislative Service Bureau to be drafted into bill form and then returned for final approval by the Department.

AIDEX LOAN REPAYMENT

Explanation:

The session law that permitted the loan of $493,000 from the State 5% sewage works grant program to pay the State portion of the AIDEX clean-up requires the Department to repay the loan by June 30, 1989. The law does not specify where the money to repay the loan is to come from. The litigation on this matter is proceeding, but there is very little possibility that the State would receive any repayments by the time that this loan is due.

We have already run out of 5% State grant money which means that some of the communities that have received federal grants have not received State 5% grants. When the General Assembly

established the State Revolving Loan Fund, it did not continue the 5% grant program. Therefore, whether or not the AIDEX loan is repaid, several communities will receive federal grants and no state grants.

This bill deletes the requirement for the Department to repay the loan.

Proposed Language:

1. Amend chapter 1246 of the laws of the seventy-first general assembly, 1986 session, section 505, subsection 7, unnumbered paragraph 2, to read as follows:

The department is authorized to utilize from funds appropriated for payments to governing bodies responsible for publicly owned sewage treatment facilities but which are unexpended an amount not to exceed four hundred ninety-three thousand (493,000) dollars for the state share of the AIDEX superfund cleanup. Any funds remaining in the AIDEX superfund account once the final site cleanup work, excluding the ongoing monitoring of the site, has been completed shall revert to the general fund of the state. ~~The moneys used for the state share of the AIDEX superfund cleanup shall be repaid not later than June 30, 1989.~~ It is the intent of the general assembly that the withdrawal of funds from moneys available for publicly owned sewage treatment facilities shall not be used for any other purpose in future years and the department of natural resources shall report to the general assembly not later than January 1, 1987 on methods to increase funds for the state superfund to meet future needs in this state.

RCRA AUTHORITY SUSPENSION

Explanation:

The suspension of the portions of 455B that constitute the State's RCRA authority expires on June 30, 1989. This suspension has been part of the Department's appropriation bill in prior years. We need to seek to have the suspension continued or seek an appropriation of approximately $700,000 to support the approximately 15 FTEs that would be needed to reestablish the delegation of RCRA authority from EPA.

This language should be added to the Department's appropriation bill to continue the suspension of RCRA authority thru June 30, 1991.

Proposed Language:

It is the intention of the general assembly in adopting the appropriation under subsection ___ and this subsection to cease funding for the department's implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities in this state. Section 455B.411, subsections 6, 9, and 10, secetion 455B.412, subsections 2 through 4, and sections 455B.413 through 455B.421 are suspended and do not apply as they pertain to that permit program, but are not suspended and do apply as they pertain to abandoned and uncontrolled sites, used oil, and site licensing under chapter 455B, division IV, part 6. The suspension provided by this subsection begins July 1, 1989 and ends June 30, 1991.

SOLID WASTE PENALTIES

Explanation:

Currently the penalty level in this program is a maximum of $500.00 per day. In some cases this amount would not discourage more significant violations where the costs of disposal or proper operation of disposal facilities alone may equal or exceed this level. In addition, violations that contaminate or could potentially contaminate water resources warrant greater penalties.

Proposed Language:

Amend section 455B.307, subsection 3, as follows:

3. Any person who violates any provision of part 1 of this division or any rule or any order adopted or the conditions of any permit or order issued pursuant to part 1 of this division shall be subject to a civil penalty ~~. The amount of the civil penalty shall be based on the toxicity and severity of the solid waste as determined by rule,~~ but, not

to exceed five hundred thousand dollars for each day of such violation.

COMMISSION BUDGET AUTHORITY

Explanation:

Currently the Environmental Protection Commission has complete commission authority to approve the entire budget of the Department that will be submitted to the Governor and General Assembly, while the Natural Resource Commission has no authority in this area. The proposed changes to the Code would give each commission the authority to approve the budget that is submitted to the Governor and General Assembly for the programs under each commission's respective jurisdiction.

Proposed Language:

1. Amend section 455A.5, subsection 6, by adding the following new paragraph "d":

Approve the budget request prepared by the director for the programs authorized by chapters 106, 107, 108, 108A, 109, 109A, 110, 110A, 110B, 111D, 112, and 321G. The commission may increase, decrease, or strike any item within the department budget request for the specified programs before granting approval.

2. Amend section 455A.6, subsection 6, by adding the following new paragraph "d":

Approve the budget request prepared by the director for the programs authorized by chapters 455B, 455C, 455E, and 455F. The commission may increase, decrease, or strike any item within the department budget request for the specified programs before granting approval.

3. Delete section 455B.105, subsection 6.

Motion was made by Catherine Dunn to approve, as presented, the following legislative proposals: 1) Aidex Loan Repayment; 2) RCRA Authority Suspension; 3) Solid Waste Penalties; and 4) Commission

Budget Authority. Seconded by Donna Hammitt. Motion carried unanimously.

Mr. Combs stated that the following proposals will be brought before the Commission for approval next month: 1) Comprehensive Solid Waste Management Planning Modifications; and 2) Waste Reduction and Recycling.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Vice-Chairman Timmerman adjourned the meeting at 11:30 a.m., Tuesday, September 20, 1988

NEXT MEETING DATES

October 17-18, 1988 (Muscatine)
November 21-22, 1988
December 12-13, 1988

Larry J. Wilson, Director

Charlotte Mohr

Charlotte Mohr, Secretary

INDEX

ADM-1-1-1 a
Sept. 1988

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
September 19-20, 1988

Meeting Convenes at 1:30 p.m., September 19, 1988 in the fourth floor conference room and reconvenes on September 20, 8:30 a.m.

Break	3:00 p.m.
Public Participation	3:30 p.m.

Meeting Reconvenes 8:30 a.m., September 20, 1988

Appointment – Ted Yanacek	9:30 A.M.
Break	10:00 a.m.
Appointment – Merle Kuppinger	10:15 a.m.

1. Approval of Agenda.
2. Approval of Minutes of August 15-16, 1988 and September 9, 1988.
3. Director's Report. (Wilson) Informational.
4. Manchester Regional Office Lease. (Kuhn) Decision.
5. Air Toxics Phase II Inventory Contract. (Kuhn) Decision.
6. FY89 Budget and FY90 Budget Request. (Kuhn) Informational.
7. Groundwater Financial Status Report. (Kuhn) Informational.
8. Notice of Intended Action--Amend Chapter 209, Solid waste Grants. (Hay) Decision.
9. Notice of Intended Action--Amend Chapter 101, Solid Waste Disposal. (Hay) Decision.
10. Toxic Cleanup Days Contract. (Hay) Decision.
11. Monthly Reports. (Stokes) Informational.
12. Final Rule--Chapter 39, Requirements for Properly Plugging Abandoned Wells. (Stokes) Decision.
13. Private Well Sampling and Abandonment--Grants to Counties (Chapter 47). (Stokes) Decision.
14. Emergency Adopted Rule--Chapter 42, Rescind Special Monitoring for Pesticides and Synthetic Organic Chemicals and Approve New Chapter 42, Water Supply Grants. (Stokes) Decision.
15. Notice of Intended Action--Chapters 60 and 61, Water Quality Standards. (Stokes) Decision.

16. Emergency Adopted Rule--Chapter 92, State Revolving Fund. (Stokes) Decision.

17. Final Rule--Chapter 8, Contracting. (Combs) Decision.

18. Referrals to the Attorney General. (Combs) Decision.

    (a) City of University Park
    (b) Merle Kuppinger

19. Proposed Contested Case Decision -- Harry, Engelena and Gordon Brocka. (Combs) Decision.

20. Proposed Contested Case Decision -- Hayloft Tavern. (Combs) Decision.

21. Hazardous Waste Site License Application. (Combs) Informational.

22. 1989 Legislative Package. (Combs) Decision.

23. Address Items for Next Meeting.

NEXT MEETING DATES

October 17-18, 1988 (Muscatine)
November 21-22, 1988
December ~~19-20~~ 12-13, 1988

ENVIRONMENTAL PROTECTION COMMISSION

September 19, 1988

NAME (Please print)	COMPANY OR AGENCY	CITY
DAN VEST	GROUNDWORK, INC.	BLOOMINGTON, IL.
JACK SOENER	IA ASSOC. BUSINESS & IND.	D.M
Don Torney	Iowa County Engineers Assoc.	Marengo
Milton Eichen	IFCA	DM.
JANE MCALLISTER	AHLERS LAW FIRM	DM
Theresa Kehoe	Sen Dems Caucus	DM
Judy Dankenmier	Cedar Rapids Gazette	DM

September 20, 1988

DONALD E. JENSEN	CORN BELT POWER	HUMBOLDT IA
Don Torney	IA Co Engr Assoc	Marengo
Theresa Kehoe	Sen Dems	DSM
JACK SOENER	IABE	DM.
Pam Nelly	Northern Nat. Gas	DSM
JANE MCALLISTER	Ahlers Law Firm	DM
TED YANELEIC	IA FARM BUREAU	West DSM
JEFF Robinson	LFB	
Judy Dankenmier	CR Gazette	DM office
Merle Kuppinger		
Theresa Mack		Dubuque, Iowa